

**CONSOLIDATION OF CORONERS ACT**  
R.S.N.W.T. 1988,c.C-20

*(Current to: November 16, 2014)*

**AS AMENDED BY NORTHWEST TERRITORIES STATUTES:**  
S.N.W.T. 1995,c.11

**AS AMENDED BY NUNAVUT STATUTES:**

S.Nu. 2007,c.15,s.177(Sch.,s.4)  
s.177(Sch.,s.4) in force April 1, 2008: SI-003-2008  
S.Nu. 2010,c.3,s.2  
s.2 in force March 23, 2010  
S.Nu. 2011,c.6,s.8  
s.8 in force February 25, 2011  
S.Nu. 2011,c.25,s.5  
s.5 in force October 31, 2011

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

### *Citation of Acts*

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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**CORONERS ACT****INTERPRETATION**

## Definitions

**1.** In this Act,

"Chief Coroner" means the Chief Coroner appointed under section 4; (*coroner en chef*)

"coroner" means a coroner appointed under subsection 3(1) and the Chief Coroner or a judge acting in the capacity of a coroner; (*coroner*)

"criminal offence" means an indictable offence under an Act of Canada; (*infraction criminelle*)

"death" means the death of a natural person and includes a stillbirth as defined in the *Vital Statistics Act*; (*décès*)

"judge" means a judge of the Nunavut Court of Justice; (*jugé*)

"next of kin" means the mother, father, child, sister, brother or spouse of the deceased; (*proche parent*)

"police officer" means a member or special constable of the Royal Canadian Mounted Police; (*policier*)

"reportable death" means a death that must be reported under subsection 8(1); (*décès à déclaration obligatoire*)

"spouse of the deceased" means a person who, immediately before the death of another person,

- (a) was married to the deceased, or
- (b) had lived in a conjugal relationship outside marriage with the deceased, if
  - (i) they had so lived for a period of at least two years, or
  - (ii) the relationship had been one of some permanence and they were together the natural or adoptive parents of a child.  
(*conjoint du défunt*)

S.Nu. 2010,c.3,s.2(3); S.Nu. 2011,c.25,s.5(2).

## Government bound by Act

**2.** This Act binds the Government of Nunavut and its agents. S.Nu. 2010,c.3,s.2(3).

## CORONERS

### Appointment of coroners

**3.** (1) The Minister may appoint one or more persons as coroners for Nunavut.

### Term of office

(2) A coroner appointed under subsection (1) holds office for a term of three years. S.N.W.T. 1995,c.11,s.12; S.Nu. 2010,c.3,s.2(3).

### Chief Coroner

**4.** The Minister may appoint a person as the Chief Coroner for Nunavut. S.Nu. 2010,c.3,s.2(3).

### Duties of Chief Coroner

**5.** (1) The Chief Coroner shall

- (a) administer this Act and the regulations; and
- (b) supervise all coroners in the performance of their duties and the exercise of their powers.

### Powers of Chief Coroner

(2) The Chief Coroner may

- (a) assist coroners in obtaining medical and other experts where necessary;
- (b) establish and conduct programs for the instruction of coroners;
- (c) bring the findings and recommendations of coroners and juries to the attention of appropriate persons, agencies or departments of governments;
- (d) issue public reports;
- (e) prepare, publish and distribute a code of ethics for coroners and guidelines on the performance of their duties and the exercise of their powers; and
- (f) make recommendations to the Minister respecting the appointment and removal of coroners.

### Chief Coroner as coroner

(3) The Chief Coroner may exercise and perform any or all of the powers or duties of a coroner.

### Judge as coroner

**6.** A judge may, at and in accordance with the request of the Minister, exercise and perform any or all of the powers or duties of a coroner.

### Remuneration of coroner

**7.** (1) A coroner shall be paid the prescribed remuneration for the performance of his or her duties.

#### Remuneration of Chief Coroner

(2) Where the Chief Coroner is not a member of the public service, the Chief Coroner shall be paid the prescribed remuneration for the performance of his or her duties.

#### Expenses

(3) A coroner is entitled to be reimbursed for reasonable and necessary expenses incurred by him or her in the performance of his or her duties in accordance with the regulations. S.Nu. 2010,c.3,s.2(3).

### REPORTING OF DEATHS

#### Duty to notify

**8.** (1) Every person shall immediately notify a coroner or a police officer of any death of which he or she has knowledge that occurs in Nunavut, or as a result of events that occur in Nunavut, where the death

- (a) occurs as a result of apparent violence, accident, suicide or other apparent cause other than disease, sickness or old age;
- (b) occurs as a result of apparent negligence, misconduct or malpractice;
- (c) occurs suddenly and unexpectedly when the deceased was in apparent good health;
- (d) occurs within 10 days after a medical procedure or while the deceased is under or recovering from anesthesia;
- (e) occurs during the course of employment;
- (f) is a stillbirth that occurs without the presence of a medical practitioner;
- (g) occurs while the deceased is detained or in custody involuntarily pursuant to law in a jail, lock-up, correctional facility, medical facility or other institution; or
- (h) occurs while the deceased is detained by or in the custody of a police officer.

#### Exception

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

#### Duty of police officer

(3) A police officer who has knowledge of a reportable death shall immediately notify a coroner of the death.

### Special reporting arrangements

(4) The Chief Coroner may make special arrangements with medical facilities, correctional facilities and the Royal Canadian Mounted Police for the efficient notification of reportable deaths by persons in those facilities or that organization. S.Nu. 2007,c.15,s.177(Sch.,s.4); S.Nu. 2010,c.3,s.2(3).

## INVESTIGATIONS AND INQUESTS

### Issue of warrant and investigation

- 9.** (1) A coroner who becomes aware that a reportable death has occurred shall
- (a) where the body is in Nunavut, issue a warrant in the prescribed form to take possession of the body of the deceased; and
  - (b) conduct an investigation of the death that will enable the coroner to determine the cause of death and the circumstances surrounding the death.

### Subsequent warrants

(2) No other coroner shall issue another warrant or interfere in the case after a coroner issues a warrant or commences an investigation under subsection (1) except under the instructions of the Chief Coroner. S.Nu. 2010,c.3,s.2(3).

### Disqualifications

- 10.** (1) Notwithstanding subsection 9(1), a coroner shall not issue a warrant to take possession of the body of the deceased or conduct an investigation of the death where
- (a) the coroner or a partner, associate, employee or employer of the coroner attended on the deceased as a medical practitioner within six months before the death;
  - (b) the conduct of the coroner or of a partner, associate, employee or employer of the coroner might be questioned in relation to the death;
  - (c) the death occurred in a hospital where the coroner practises medicine; or
  - (d) the death occurred at a place, business or work in respect of which the coroner has a financial interest.

### Arranging for another coroner to act

(2) A coroner who becomes aware that a reportable death has occurred but is prohibited by subsection (1) from issuing a warrant to take possession of the body or conducting an investigation shall immediately notify the Chief Coroner and, subject to the instructions of the Chief Coroner, arrange for another coroner to issue the warrant and conduct the investigation. S.Nu. 2010,c.3,s.2(3).

### Powers of coroner

**11.** (1) A coroner who believes that it is necessary for the purposes of conducting an investigation or inquest may

- (a) enter and inspect any place where the deceased was, or where the coroner believes the deceased was, before his or her death;
- (b) secure the scene or area where the coroner believes the death to have occurred for a period not exceeding 48 hours or for a longer period that the Chief Coroner may authorize;
- (c) where authorized by a warrant issued under subsection 13(1), seize anything that the coroner believes is material to the investigation; and
- (d) order the exhumation of a body where authorized to do so by the Chief Coroner or the Minister.

#### Grounds for belief

(2) Where a power of a coroner is conditional on the belief of the coroner, the belief must be on reasonable and probable grounds.

#### Delegation of powers

(3) A coroner may authorize a medical practitioner or police officer to exercise any or all of the powers of a coroner under subsection (1), but where the power is conditional on the belief of the coroner, the belief must be that of the coroner personally. S.Nu. 2010,c.3,s.2(3).

#### Entry into dwelling-house

**12.** (1) Where any premises referred to in subsection 11(1) are a dwelling-house, a coroner or person acting under the authority of a coroner may not enter that dwelling-house without the authority of a warrant issued under subsection (2).

#### Warrant to enter dwelling-house

(2) Where on an *ex parte* application a justice of the peace is satisfied by information on oath that there are reasonable and probable grounds to believe that

- (a) entry to a dwelling-house is necessary for the purpose of performing a duty imposed on a coroner by this Act, and
- (b) entry to the dwelling-house has been refused or that entry will be refused,

the justice of the peace may issue a warrant authorizing a coroner or a police officer to enter that dwelling-house, subject to the conditions that may be specified in the warrant.

#### Use of force

(3) In executing a warrant issued under subsection (2), a coroner shall not use force unless the coroner is accompanied by a police officer and the use of force is specifically authorized in the warrant.

#### Warrant to seize evidence

**13.** (1) Where on an *ex parte* application a justice of the peace is satisfied by information on oath that there are reasonable and probable grounds to believe that there is in a building, receptacle or place anything that will afford evidence in respect of the

circumstances of the death, the justice of the peace may issue a warrant authorizing a coroner or a police officer to search for and seize any such thing.

#### Custody of evidence

(2) Where anything is seized under paragraph 11(1)(c), the coroner shall ensure that it is kept in safe custody and shall return it to the person from whom it was seized as soon as practicable after the conclusion of the investigation or inquest unless the coroner is authorized or required by law to dispose of it otherwise.

#### Post-mortem examination

**14.** (1) A coroner may, at any time during an investigation or inquest, arrange for a post-mortem examination of the body of the deceased.

#### Transportation outside Nunavut

(2) A coroner may authorize the transportation of the body of the deceased out of Nunavut for a post-mortem examination.

#### Performance of post-mortem examination

- (3) A post-mortem examination shall be performed by a pathologist, except where
- (a) the examination is not an autopsy; or
  - (b) the examination is performed by a medical practitioner with the approval of the Chief Coroner.

#### Pituitary gland

(4) Any person who performs an autopsy as part of a post-mortem examination under this section may, despite the absence of a consent otherwise required by law, extract the deceased's pituitary gland and cause it to be delivered to any person or agency designated by the Chief Coroner for use in the treatment of a person having a growth hormone deficiency where the person performing the autopsy has no reason to believe either that the deceased had expressed an objection to, or that the next of kin or personal representative of the deceased objects to, the body being dealt with in this manner.  
S.Nu. 2010,c.3,s.2(3); S.Nu. 2011,c.6,s.8(2).

#### Exhumation

**15.** (1) The Minister or the Chief Coroner may authorize a coroner to order the exhumation of a body for the purposes of an investigation or inquest into the death of that person under this Act.

#### Authority of order

(2) An order of exhumation made by a coroner is sufficient authority to the person to whom it is directed to carry out the exhumation.

#### Notice

(3) A coroner who orders the exhumation of a body shall give notice of that order at least 72 hours before the exhumation to

- (a) the spouse of the deceased or, if there is no spouse, any adult next of kin; and
- (b) the person in charge of the cemetery or other place where the body is buried or stored.

#### Where exhumation not necessary

(4) Where the body of a person, in respect of whose death an investigation or inquest is necessary, has been buried and the coroner is of the opinion that no useful purpose would be served by exhuming the body, the coroner may conduct the investigation or inquest without exhuming the body.

#### Assistance of police officers

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

#### Assistance of other persons

(2) A coroner may, with the consent of the Chief Coroner, obtain the assistance of persons other than police officers or retain the services of experts for all or part of an investigation or inquest.

#### Police reports

(3) Where a police officer has made a police report on a death that is subject to an investigation or inquest under this Act, the police officer shall forward a copy of that report to the coroner conducting the investigation or inquest, as the case may be.

#### Obstructing coroner or authorized person

**17.** No person shall knowingly hinder, obstruct or interfere with a coroner in the performance of his or her duties or with a person authorized by a coroner in connection with an investigation or inquest.

#### Interference with or alteration to body

**18.** No person, other than a police officer performing his or her duty, who has reason to believe that a reportable death has occurred shall in any way interfere with or alter the body of the deceased or its condition unless a coroner authorizes that person to do so.

#### Investigation report and certificate

**19.** Where a coroner is satisfied at the completion of an investigation that an inquest is not necessary, the coroner shall

- (a) complete a report on the investigation in the prescribed form;
- (b) certify, in the prescribed form, that an inquest is not necessary; and
- (c) forward the report and certificate to the Chief Coroner.

S.Nu. 2010,c.3,s.2(3).

#### Release of body where no inquest held

**20.** (1) A coroner shall authorize the release of the body of the deceased where the investigation is complete and an inquest will not be held.

#### Release of body before inquest

(2) Where an inquest will be held, a coroner may authorize the release of the body of the deceased before the holding of the inquest.

#### Release of body after post-mortem examination

(3) Where a post-mortem examination of the body of the deceased is to be performed, a coroner may, at the time of arranging for the post-mortem examination, authorize the release of the body of the deceased on completion of the post-mortem examination.

#### Where coroner to hold inquest

**21.** (1) Subject to this Act, a coroner shall hold an inquest where, after conducting an investigation, the coroner is of the opinion that an inquest is necessary

- (a) to identify the deceased or determine the circumstances of the death;
- (b) to inform the public of the circumstances of the death where it will serve some public purpose;
- (c) to bring dangerous practices or conditions to the knowledge of the public and facilitate the making of recommendations to avoid preventable deaths; or
- (d) to inform the public as to dangerous practices or conditions in order to avoid preventable deaths.

#### Mandatory inquest

(2) Subject to this Act, a coroner shall hold an inquest where the coroner becomes aware of the death of a person while detained or in custody in the circumstances referred to in paragraph 8(1)(g) or (h).

#### Where inquest not to be held

**22.** A coroner shall not hold an inquest

- (a) where the deceased died from a cause or in circumstances other than those referred to in subsection 8(1); or
- (b) for the purpose of determining civil or criminal liability in respect of a death.

#### Right to request inquest

**23.** (1) Where a coroner decides that an inquest is not necessary, a next of kin or other interested person may request that the coroner hold an inquest by

- (a) submitting a written request to the coroner stating his or her reasons; or
- (b) appearing before the coroner in person or by agent to explain his or her reasons.

### Decision of coroner

(2) The coroner shall consider the request to hold an inquest and give the person making the request a written decision with reasons within 24 days after receipt by the coroner of the request.

### Appeal

(3) Where a request made under subsection (1) is refused, the person who made the request may, within 20 days after receipt by him or her of the decision of the coroner under subsection (2), appeal the decision by

- (a) submitting a written appeal to the Chief Coroner stating his or her reasons for the appeal; or
- (b) appearing before the Chief Coroner in person or by agent to explain his or her reasons.

### Decision of Chief Coroner

(4) The Chief Coroner shall consider the merits of the appeal and give the person making the appeal a written decision with reasons within 10 days after receipt by the Chief Coroner of the appeal.

### Final decision

(5) Subject to the power of the Minister under section 24, the decision of the Chief Coroner under subsection (4) is final.

### Directed inquest

**24.** (1) Subject to subsection (2), the Chief Coroner or the Minister may direct any coroner or request a judge to hold an inquest notwithstanding that

- (a) another coroner has conducted an investigation or done any other act in connection with the death;
- (b) a coroner has certified that an inquest is unnecessary; or
- (c) an inquest has been held already.

### Disqualifications

(2) A coroner who would be prohibited by subsection 10(1) from conducting an investigation of the death shall not hold the inquest.

### Certification

**25.** A coroner who is required under this Act to hold an inquest shall certify, in the prescribed form, that an inquest is necessary and hold an inquest as soon as practicable.

### Inquest into multiple deaths

**26.** Where two or more deaths appear to have occurred from the same event or from a common cause, the Chief Coroner may direct that one inquest be held in respect of all the deaths.

#### Procedure where criminal charge laid

**27.** (1) Where a person has been charged with a criminal offence arising out of a death, an inquest shall be held only on the direction of the Minister.

#### Non-compellable witness

(2) No person charged with a criminal offence arising out of a death is compellable to give evidence at an inquest in respect of that death.

#### Procedure where criminal charge arises

(3) Where a person is charged during the inquest with a criminal offence arising out of the death, the coroner shall, unless the Minister directs otherwise, discharge the jury and close the inquest, and shall reopen the inquest only on the direction of the Minister.

#### Where criminal charge disposed of

(4) Notwithstanding subsections (1) to (3), a coroner may hold an inquest where a person is charged with a criminal offence arising out of the death and compel the person so charged to give evidence if

- (a) the charge or an appeal from any conviction or acquittal has been finally disposed of; or
- (b) the time for taking an appeal has expired without an appeal having been taken.

#### Procedure where criminal charge likely

**28.** A coroner shall delay the holding of an inquest where it appears likely to the coroner that a person will be charged with a criminal offence arising out of the death unless directed by the Minister to hold an inquest.

#### Civil proceeding

**29.** An inquest is not a criminal court of record.

#### Jury

**30.** (1) Every inquest must be held with a jury composed of six jurors.

#### Verdict

(2) Any five jurors may return a verdict.

#### Qualifications of jurors

**31.** (1) Subject to this section, any person qualified to serve as a juror under the *Jury Act* and not exempt from service as a juror under that Act is qualified to serve as a juror at an inquest.

#### Disqualifications of jurors

(2) A person is not qualified to serve as a juror at an inquest who is

- (a) an officer, employee, inmate or patient of a hospital, jail, lock-up, correctional facility or other institution where the death occurred;

- (b) an owner or employee of a building or place where the death occurred; or
- (c) an owner or employee of a business or work where the death occurred.

#### Power of coroner to disqualify juror

(3) The coroner shall disqualify from serving as a juror any person whom the coroner believes would be unable to render a true verdict in accordance with the evidence because of interest or bias.

#### Jury selection

**32.** (1) Before holding an inquest, the coroner shall request the sheriff to provide the names of six persons qualified to serve as jurors.

#### Basis of selection

(2) The sheriff, on receiving the request of a coroner, shall randomly select the names of six persons from the list of jurors compiled under section 8 of the *Jury Act* and send the names to the coroner.

#### Warrant

(3) The coroner shall issue a warrant in the prescribed form to the sheriff or a police officer to summon the persons selected to serve as jurors.

#### Service of summons

(4) On receipt of a warrant issued under subsection (3), the sheriff or police officer, as the case may be, shall serve the persons selected with a summons in the prescribed form.

#### Insufficient jurors

(5) Where less than six persons are able to serve as jurors after the summons, the coroner shall cause a sufficient number of qualified persons to be selected and summoned to form a jury in the manner set out in subsections (1) to (4) or in any more expeditious manner that the circumstances may require.

#### Irregularities

**33.** No omission to observe the provisions of this Act respecting the qualifications, exclusion or selection of jurors is a ground for impeaching the verdict rendered by a jury unless the omission resulted in a substantial miscarriage of justice.

#### Swearing of jurors

**34.** When the jurors are assembled, the coroner shall administer an oath to them to diligently inquire into the death of the person or persons in respect of whom the inquest is about to be held and to give a true verdict according to the evidence.

### Request for notice of inquest

**35.** (1) Any person may make a request in writing to the coroner conducting an investigation to be notified of the time and place of any inquest that may be held as a result of the investigation.

### Notice of inquest

- (2) The coroner shall give notice in writing of the time and place of any inquest to
- (a) the next of kin of the deceased;
  - (b) any person who made a request under subsection (1);
  - (c) any person who, in the opinion of the coroner, has a substantial interest in the inquest; and
  - (d) any person whose conduct is, in the opinion of the coroner, likely to be called into question at the inquest.

### Adjournment

(3) Where the conduct of a person who has not been notified of and is not present at the inquest is brought into question, the coroner shall adjourn the inquest and notify that person if it is reasonably practicable to do so.

### Effect on proceedings

- (4) Failure to notify a person of an inquest does not invalidate the inquest.

### Public inquest

**36.** (1) An inquest shall be held in public.

### Exception

(2) Notwithstanding subsection (1), the Minister may direct that an inquest be held in private where the Minister is of the opinion that national security may be endangered or that the possibility of prejudice to the public interest outweighs the desirability of holding the inquest in public.

### Exclusion of witness and agent

(3) A coroner may order that any witness and any agent representing that witness at an inquest, but not counsel, be excluded from the inquest until the witness is called to give evidence.

### Standing

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

### Counsel

**38.** (1) The Minister may designate counsel to attend the inquest, act as counsel to the coroner and aid the coroner in the examination and cross-examination of witnesses.

### Agents

(2) A coroner may use an agent to assist the coroner during the inquest and aid in the examination and cross-examination of witnesses where counsel has not been designated by the Minister.

### Right to be heard

**39.** The coroner shall hear any person who wishes to give evidence at an inquest so long as the evidence is not vexatious or irrelevant.

### Right to participate

**40.** A person who has been granted standing at an inquest may

- (a) be represented by counsel or an agent;
- (b) call, examine and cross-examine witnesses;
- (c) obtain from a coroner a summons to require the attendance of any witness the person wishes to be called; and
- (d) present arguments and submissions, and address the jury at the conclusion of the evidence.

### Counsel or agent of witness

**41.** A witness at an inquest may be represented by counsel or an agent for the purpose of protecting the interests of the witness.

### Power of coroner to summon witnesses

**42.** (1) A coroner may by summons require any person

- (a) to give evidence on oath at an inquest, or
- (b) to produce in evidence at an inquest any document or thing in his or her possession or control that the coroner may specify,

that is relevant to the subject-matter of the inquest and admissible as evidence.

### Service of summons

(2) The summons referred to in subsection (1) must be served by a police officer personally serving a copy of the summons on the person.

### Witness in custody

(3) Where a witness who is required to attend an inquest is detained or in custody in the circumstances referred to in paragraph 8(1)(g) or (h), the coroner may, in writing, order that the witness be brought before the coroner in order to testify at the inquest and direct in the order the manner in which the witness is to be kept in custody until his or her return to the place of his or her detention or custody.

### Administering oaths

**43.** A coroner may administer oaths and affirmations to jurors, witnesses and interpreters according to the practice in the Nunavut Court of Justice.  
S.Nu. 2010,c.3,s.2(3).

#### Questions by juror

**44.** A juror at an inquest may question any witness.

#### Warrant for arrest

**45.** (1) A judge may issue a warrant to apprehend, anywhere within Nunavut, and bring before the inquest any person

- (a) who fails to attend or to remain in attendance at an inquest in accordance with the requirements of a summons, and
- (b) whose presence is material to the inquest,

on proof to the satisfaction of the judge of the service of the summons on that person.

#### Affidavit of coroner

(2) A judge may accept the affidavit of a coroner that attests to the facts that establish that the presence of the person summoned is material to the inquest as proof of those facts. S.Nu. 2010,c.3,s.2(3).

#### Contempt proceedings

**46.** (1) A coroner conducting an inquest may state a case to a judge setting out the facts where a person without lawful excuse

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

#### Punishment for contempt

(2) The judge to whom a case has been stated under subsection (1) may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of that person and after hearing any statement that may be offered in defence, punish that person as if that person had been guilty of contempt of the Nunavut Court of Justice. S.Nu. 2010,c.3,s.2(3).

#### Maintaining order

**47.** (1) A coroner may make orders or give directions that the coroner considers necessary for the maintenance of order at the inquest, and may call on a police officer to enforce those orders or directions.

#### Exclusion of agents

(2) A coroner may exclude from an inquest an agent, but not counsel, representing a witness, if the coroner finds that the person is not competent to properly advise the witness or does not understand and comply at the inquest with the duties and responsibilities of an advisor.

### Evidence

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

### Limitation

- (2) Nothing in subsection (1) derogates from
- (a) the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or other things may be admitted or used in evidence; or
  - (b) any privilege under the law of evidence.

### Admissibility of copies

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

### Making copies

(2) Where an original document or other thing has been admitted as evidence at an inquest, the coroner or, with the leave of the coroner, the person who produced it or is entitled to it may cause the document or thing to be copied.

### Use of copies

- (3) Where an original document or other thing has been admitted as evidence and later copied, the coroner may
- (a) authorize the copy to be admitted in evidence in place of the document or thing, and order the release of the original; or
  - (b) furnish to the person who produced or is entitled to the document or thing a copy of it certified by the coroner.

### Reports

- 50.** (1) A coroner at an inquest may accept a report, plan, sketch, photograph or other document containing information of a factual nature instead of the oral testimony of the maker of that document, and the document is, without further proof, evidence of the facts stated in it.

### Oral testimony

(2) The coroner may, at the request of a person or juror who has a sufficient reason to question the maker of a document, require the maker of it to attend and give evidence at the inquest.

### Adjournment

**51.** (1) A coroner may adjourn an inquest from time to time where it is shown to the satisfaction of the coroner that the adjournment is required to permit an adequate hearing to be held or where the coroner for other reasons is of the opinion that it is necessary.

### Illness, death or absence of juror

(2) Where a juror, by reason of illness, death or absence from Nunavut, does not attend at the resumption of an adjourned inquest, the coroner may proceed with the inquest if at least five jurors are present. S.Nu. 2010,c.3,s.2(3).

### Where coroner unable to continue

**52.** Where for any reason a coroner cannot continue to hold an inquest, the Chief Coroner may direct another coroner to complete it and that coroner may act on the evidence as if it had been given before that coroner.

### Recording of evidence

**53.** (1) The coroner shall ensure that the evidence received by the jury at an inquest is recorded.

### Form of record

(2) The evidence of witnesses must be recorded by audio tape or, where the coroner so directs, by a stenographer designated by the coroner.

### Oath of stenographer

(3) A stenographer recording evidence at an inquest shall take an oath to truly and faithfully record the evidence.

### Transcripts

(4) Evidence recorded at an inquest need not be transcribed by a stenographer unless

- (a) the Minister or Chief Coroner so orders; or
- (b) a person requests a transcript and pays the stenographer the prescribed fee.

### Interpreter

**54.** A coroner shall engage an interpreter to assist at an inquest where the coroner is of the opinion that an interpreter is necessary for the proper conduct of the inquest.

### Jury verdict

**55.** (1) The jury shall, at the conclusion of the inquest, retire to consider the evidence and determine

- (a) the identity of the deceased;
- (b) the date, time and place of death;
- (c) the cause of death;
- (d) the manner of death; and
- (e) the circumstances under which the death occurred.

### Recommendations

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

### Conclusions of law

(3) The jury shall not make any finding of civil or criminal liability or express any conclusions of law.

### Refusal of verdict

(4) The coroner shall not accept a verdict or a portion of a verdict that makes any finding of civil or criminal liability or expresses any conclusion of law.

### Form of verdict

(5) The verdict of the jury must be in the prescribed form and signed by all jurors who participated in the determination of the verdict.

### Duties of coroner at conclusion of inquest

**56.** (1) A coroner shall, at the conclusion of an inquest, forward to the Chief Coroner

- (a) the verdict of the jury;
- (b) any recommendations of the jury;
- (c) a summary of all expenses incurred as a result of the inquest, including a list of fees paid to witnesses and jurors; and
- (d) the record of all evidence and copies of all documents received at the inquest.

### Release of exhibits

(2) A coroner shall, at the conclusion of an inquest and on request, release documents and things put in evidence at the inquest to the lawful owner or person entitled to possession of them unless they are required for a second inquest or a proceeding under section 59.

### Procedure where jury disagrees

**57.** (1) Where at an inquest the jury cannot agree by a majority on a verdict, the coroner may discharge the jury after obtaining any findings of fact that it was able to agree upon.

#### Submission of evidence and findings

(2) The coroner shall submit the evidence taken at the inquest referred to in subsection (1), together with any findings of fact that the jury was able to agree upon, to the Chief Coroner.

#### Direction of Minister or Chief Coroner

(3) The Minister or Chief Coroner may direct the coroner to summon another jury and hold another inquest or to take other action that the Minister or Chief Coroner may direct where the jury cannot agree upon a verdict.

#### *Vital Statistics Act*

**58.** Immediately on the close of an investigation or inquest, the coroner shall send the information and do the things that may be required under the *Vital Statistics Act*.

#### Application to quash verdict

**59.** (1) A person who has a substantial interest in an inquest may apply by originating notice to a judge for an order quashing the verdict of the jury on the grounds that

- (a) there was a substantial denial of procedural rights or a substantial irregularity in the conduct of the inquest;
- (b) the verdict or a portion of the verdict makes a finding of civil or criminal liability or expresses a conclusion of law; or
- (c) it is otherwise necessary and desirable in the interests of justice to quash the verdict.

#### Power to quash verdict

(2) A judge may quash the verdict of the jury where the judge is satisfied there are valid grounds for quashing the verdict.

#### Second inquest

(3) A judge may, on quashing a verdict, order that a second inquest be held, either before the same coroner or another coroner.

#### Where judge conducted inquest

(4) Where a judge conducted the investigation or held the inquest as a coroner, the application to quash the verdict of the jury must be made to the Court of Appeal by way of appeal and the Court of Appeal has all the powers of a judge under this section.

### GENERAL

#### Protection from civil liability

**60.** A coroner, or a person acting on behalf of a coroner or under the authority of a coroner, is not liable for loss caused by anything done or not done by him or her in the performance of his or her duties or the exercise of his or her powers or in respect of a matter in which he or she lacked or exceeded his or her jurisdiction, unless he or she acted in bad faith or without reasonable and probable cause.

### Agreements

**61.** The Minister may, on behalf of the Government of Nunavut, enter into agreements with the government of a province or territory or with any person, institution or organization in a province or territory respecting any matter related to the purposes and provisions of this Act. S.Nu. 2010,c.3,s.2(2).

### Offence and punishment

**62.** Every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or to both.

### Rules of the Nunavut Court of Justice

**63.** The Rules of the Nunavut Court of Justice apply to any proceedings taken before a judge under this Act and an appeal lies from a decision of a judge in accordance with the rules of the Court of Appeal. S.Nu. 2010,c.3,s.2(3).

### Regulations

**64.** The Commissioner, on the recommendation of the Minister, may make regulations

- (a) respecting remuneration, allowances and expenses for the Chief Coroner, coroners, jurors, witnesses, interpreters and other persons acting under this Act;
- (b) respecting forms and providing for their use;
- (c) respecting the performance of the duties of coroners and the exercise of their powers;
- (d) respecting records of investigations and inquests;
- (e) respecting additional rules and procedures for inquests;
- (f) prescribing any matter or thing that by this Act may or is to be prescribed; and
- (g) respecting any other matter that the Commissioner considers necessary for carrying out the purposes and provisions of this Act.