

Coroners (Amendment) Bill

Bill No. 26/2021.

Read the first time on 13 September 2021.

A BILL

intituled

An Act to amend the Coroners Act and to make a related amendment to the Infectious Diseases Act.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Coroners (Amendment) Act 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Repeal and re-enactment of section 12

2. Section 12 of the Coroners Act is repealed and the following section substituted therefor:

“Preliminary investigation by Coroner

10 12.—(1) As soon as possible after a death is reported to a Coroner, the Coroner is to make a preliminary investigation into the cause of and circumstances connected with the death, including whether the death was due to natural causes.

(2) In the preliminary investigation, a Coroner need not view the body, but may, if the Coroner thinks it necessary, do so —

15 (a) at the place where the body is lying, or any other place to which the body has been moved; or

(b) by a live video link, or by any other means that the State Coroner may approve which reasonably allows the Coroner to view and identify the body.

20 (3) If after the preliminary investigation, a Coroner considers that the death was due to natural causes and that it is unnecessary to hold an inquiry, the Coroner may issue an order under section 22 for the release of the body.”.

New section 17A

25 3. The Coroners Act is amended by inserting, immediately after section 17, the following section:

“Minister may issue certificate in certain cases

30 17A.—(1) Subject to subsection (5), where a reportable death has occurred and the Minister is satisfied that all of the following conditions are met, the Minister may issue a Minister’s certificate for the release of the body in respect of the deceased:

(a) the deceased —

(i) had sustained an injury, contracted a disease or suffered a condition, outside Singapore, that resulted or apparently resulted in his or her death; or

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(ii) was, immediately before his or her death —

(A) a current or former head of state of a foreign State;

(B) a current or former head of government of a foreign State;

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(C) a government minister of a foreign State;

(D) a government official of a foreign State;

(E) a spouse or child of a person mentioned in sub-paragraph (A), (B) or (C) or of a diplomatic agent of a foreign State;

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(b) a foreign State (called in this section the requesting State) makes a request in the prescribed manner for a Minister's certificate to be issued in respect of the deceased and gives any undertaking regarding the retention or transport of the body or any other matter that the Minister may require;

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(c) in the circumstances, and having regard to any undertaking given by the requesting State, it is not in the public interest for the provisions of this Act to apply or continue to apply in respect of the deceased.

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(2) In considering whether to issue a Minister's certificate, the Minister may —

(a) have regard to information from any investigation that has been or is being carried out by a forensic pathologist under section 16 on the cause of and circumstances connected with the death;

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- 5 (b) direct a forensic pathologist to investigate the apparent cause of or circumstances connected with the death, upon which the forensic pathologist has the powers mentioned in section 17(1)(a), (b) and (ba) as if the forensic pathologist were making an investigation under section 16;
- (c) direct the police to provide any assistance that the forensic pathologist may require to carry out the investigation mentioned in paragraph (b); and
- 10 (d) direct that a copy of all medical records, healthcare records and any other documents that may be relevant to the case be provided by the person in charge of the hospital, medical clinic or place of custody mentioned in section 8 or any other person in possession thereof to the forensic pathologist mentioned in paragraph (b).
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(3) If a Minister's certificate is issued in respect of a deceased at any time after the death has been reported under section 5 and before the Coroner issues a certificate mentioned in section 42, then as from the date of the Minister's certificate —

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- (a) any investigation by any police officer or forensic pathologist under this Part for the purpose of ascertaining the cause of and circumstances connected with the death must stop;
- 25 (b) if a post-mortem examination under section 18 has not been conducted, the post-mortem examination must not be conducted;
- (c) despite sections 24 and 25, no inquiry may be held in respect of the death and the Public Prosecutor must not make any order or direction under section 26, but if an inquiry has begun but is not completed, the Coroner is to stop the inquiry and not resume the inquiry except in accordance with subsection (4);
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(*d*) if the body has not been released, the body must be released immediately to the requesting State without an order of a Coroner under section 22; and

(*e*) there is no need for the Coroner to issue a certificate under section 42 in respect of the death. 5

(4) If the Minister revokes a Minister's certificate, then as from the date of the revocation —

(*a*) any investigation (including any post-mortem examination) or inquiry under this Act into the death of the deceased is to resume from the stage at which the investigation or inquiry was stopped; 10

(*b*) the body of the deceased must not be released to the requesting State under subsection (3)(*d*), but remains under the Coroner's control under section 22;

(*c*) if the body has been so released, the Coroner resumes control of the body under section 22 unless the body has been buried, cremated or transported out of Singapore; and 15

(*d*) a police officer may cause the body to be removed to any place that the police officer may direct, pending an order of the Coroner to release the body. 20

(5) To avoid doubt, this section does not affect the operation of —

(*a*) the Diplomatic and Consular Relations Act; or

(*b*) section 11 of the Visiting Forces Act. 25

(6) In this section —

“child” means a person below 21 years of age;

“diplomatic agent” means a person who is accredited in any State or territory as the head of a mission or a member of the diplomatic staff of a mission; 30

“foreign State” means a State or territory outside Singapore;

“Minister’s certificate” means a certificate issued under subsection (1).”.

Amendment of section 22

4. Section 22 of the Coroners Act is amended —

5 (a) by deleting subsection (1) and substituting the following subsection:

“(1) Where a death which is, or appears to be, a reportable death has been reported to a Coroner and the body is in Singapore, the Coroner has control of the body until the earlier of the following occurs:

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(a) the Minister issues a certificate in respect of the body under section 17A(1), unless the Minister’s certificate is revoked and the Coroner resumes control of the body by virtue of section 17A(4)(c);

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(b) the Coroner issues an order to release the body under subsection (3).”; and

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(b) by deleting the words “without the order” in subsection (4) and substituting the words “without the certificate of the Minister mentioned in subsection (1)(a) that has not been revoked or the order”.

Amendment of Infectious Diseases Act

5. Section 43 of the Infectious Diseases Act is amended by deleting subsection (1) and substituting the following subsection:

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“(1) Any corpse, human remains or bones other than cremated ashes must not be brought into or transhipped or exported from Singapore, unless accompanied by a medical certificate or other evidence showing —

(a) the name of the deceased;

- (b) the date and cause of death (except where there is a valid Minister's certificate under section 17A of the Coroners Act in respect of the death); and
 - (c) the measures adopted to preserve the body.”
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EXPLANATORY STATEMENT

This Bill seeks to amend the Coroners Act to remove the requirement for a Coroner to view a body and to allow the Minister to issue a certificate for the release of a body of a deceased person to a foreign State in certain cases.

The Bill also makes a related amendment to the Infectious Diseases Act.

Clause 1 relates to the short title and commencement.

Clause 2 repeals and re-enacts section 12 to remove the requirement for a Coroner to view a body after a death is reported to him or her. However, a Coroner may, if the Coroner thinks it necessary, view the body in a preliminary investigation.

Clause 3 inserts a new section 17A to allow the Minister, in certain cases, to issue a Minister's certificate.

The new section 17A(1) provides when the Minister may issue a Minister's certificate. The new section 17A(1) requires that the Minister must be satisfied that the conditions mentioned in the new section 17A(1) are met in respect of a reportable death that has occurred. A reportable death is any death the circumstances of which are set out in the Second Schedule.

First, the case must involve a circumstance mentioned in the new section 17A(1)(a). The new section 17A(1)(a)(i) covers circumstances where it appears that the death of the deceased resulted from an occurrence outside Singapore, such as an injury or a disease. An example would be where there are casualties from an accident overseas, who are brought into Singapore for treatment and succumb to their injuries. Another circumstance, covered in the new section 17A(1)(a)(ii), is where the deceased held certain positions (such as the head of state or head of government of a foreign State) or was the spouse or child of certain persons in such positions, before his or her death.

Second, under the new section 17A(1)(b), a foreign State must make a request (in a manner to be prescribed in subsidiary legislation) for a Minister's certificate to be issued in respect of the deceased and give any undertaking that the Minister may require.

Third, under the new section 17A(1)(c), in the circumstances, and having regard to any undertaking given by the foreign State that made the request for the Minister's certificate (called the requesting State), the Minister may determine that it is not in the public interest for the provisions of the Act to apply or continue to apply in respect of the deceased.

The new section 17A(2) provides that in considering whether to issue a Minister's certificate, the Minister may have regard to information that has been or is being carried out by a forensic pathologist under section 16. Also, the Minister may direct a forensic pathologist to investigate the apparent cause of or circumstances connected with the death. Upon the Minister's direction, the forensic pathologist has the powers mentioned in section 17(1)(a), (b) and (ba) as if the forensic pathologist were making an investigation under section 16. The Minister may also direct the police to provide any assistance that the forensic pathologist may require to carry out the investigation and direct that the forensic pathologist be provided with medical records, healthcare records and other documents relevant to the forensic pathologist's investigation.

The new section 17A(3) sets out the effect of issuing a Minister's certificate. Other than the release of the body to the requesting State, the coronial process ceases for the death. Therefore, any investigation by a police officer or forensic pathologist under Part III of the Act must stop, a post-mortem examination must not be conducted, no inquiry may be held and the Coroner is to stop any inquiry that has begun but is not completed, and there is no need for the Coroner to issue a certificate under section 42 in respect of the death.

The new section 17A(4) sets out the effect of revoking a Minister's certificate. The coronial process for the death is to resume from the stage at which it ceased. Therefore, an investigation may be completed, a post-mortem examination may be conducted, an inquiry may be held or resumed (if it was previously begun but not completed), and the Coroner's duty to issue a certificate under section 42 in respect of the death is re-instated. In addition, the body, if not yet released, must not be released to the requesting State under the new section 17A(3)(d), but remains under the Coroner's control under section 22. If the body has already been released, the Coroner resumes control of the body under section 22 unless the body has been buried, cremated or transported out of Singapore. As a body may have been moved after the Minister's certificate was issued, a police officer may cause the body to be removed to any place pending an order of the Coroner to release the body, as the police officer may do under section 10(3)(a).

The new section 17A(5) clarifies that the new section 17A does not affect the operation of certain laws. First, if a person is entitled to inviolability of person under the Diplomatic and Consular Relations Act, the new section 17A does not apply in respect of his or her death. Second, section 11 of the Visiting Forces Act (and not the new section 17A) will apply to a deceased person who had at the time of his or her death a relevant association with a visiting force.

The new section 17A(6) defines terms used in the new section 17A.

Clause 4 deletes and substitutes subsection (1) of section 22. Where under the current section 22(1), a Coroner has control of the body until he or she orders the release of the body, the amendment provides for the body to be released by the issuance of a Minister's certificate instead, whichever first occurs. However, by virtue of the new section 17A(4), if a Minister's certificate is revoked, the Coroner resumes control of the body, unless the body has been buried, cremated or transported out of Singapore.

Secondly, section 22(4) is amended to make it an offence for a person to bury, cremate or transport a body out of Singapore without either a Minister's certificate or a Coroner's order.

Clause 5 deletes and substitutes subsection (1) of section 43 of the Infectious Diseases Act to facilitate the release of a body to a requesting State where a Minister's certificate is issued under the new section 17A of the Coroners Act and there is no evidence on the date and cause of death.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
