

**INQUEST INTO DEATH BILL, 2021***(Bill No. 38 of 2021)***EXPLANATORY STATEMENT**

The object of this Bill is to promote justice through investigations, and the identification of the causes and circumstances, of sudden or unexplained deaths, or deaths that occurred in certain circumstances. Another overarching object of this Bill is to seek to prevent deaths through the making of recommendations that may reduce the chances of further deaths occurring in circumstances similar to those in which the deaths occurred.

Currently, inquests into death can be done under the Criminal Procedure Code, Cap. 54, and the Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157, but there are several deficiencies in the existing laws that this Bill will seek to address. Further, the Bill seeks to introduce new procedures for investigating deaths. For instance, under the Criminal Procedure Code, the police would prepare a report of the apparent cause of death, describing such wounds, fractures, bruises and any other marks of injury found on the body. Under this Bill, the body of the deceased person shall first be examined by a medical practitioner, pathologist or forensic pathologist who will be responsible for preparing a medical report while the police will prepare a police report containing witness statements and any evidence to help identify the person and the cause of death. Further, the forensic pathologist is given powers to access the medical files of the deceased person.

Under this Bill, a Judge, a Magistrate, an authorized Attorney-at-Law or an expert who holds inquests into death in a foreign country may hold an inquest into a person's death where, for instance: (1) the person's identity is unknown; (2) the death occurred as a result of any law enforcement operation; (3) the death occurred, directly or indirectly, as a result of any medical treatment or care; (4) the death occurred due to an accident at a workplace or an accident on any mode of public transport; or (5) the death in Seychelles occurred under suspicious circumstances. The Bill presents an opportunity for Government to consider having suitably qualified persons specialize and work full time in the area of inquests into deaths. Suitably qualified Attorneys-at-Law and foreign experts may conduct an inquest into death in exceptional circumstances.

This Bill seeks to clearly clarify the purpose of an inquest into death. Under the Bill, the person empowered to hold an inquest can only use the proceedings and evidence at the inquest to ascertain the following matters in so far as they may be ascertained; (a) the identity of the deceased person; and (b) how, when and where the deceased person died; and (c) the cause of the death; and (d) the circumstances of the death. A person holding an inquest is prohibited from seeking to answer any questions of criminal, civil or disciplinary liability. Further, the Bill addresses issues relating to post-mortem examination, the release of a body for transportation out of Seychelles, burial and cremation, and in certain instances exhumation.

The Attorney General may request that a Magistrate conducts an inquest especially where it may be in public interests to do so. An inquest into death will not be automatic and there are several factors that the person empowered to conduct an inquest and the Attorney General may have to consider. Some of the factors will include —

- (a) the extent to which the drawing of attention to the circumstances of the death may be likely to reduce the chances of the occurrence of other death in similar circumstances;
- (b) the desire of any member of the immediate family of the deceased person that an inquest should be conducted;
- (c) whether or not an inquest or investigation into the death has been or will be conducted by a Magistrate or a corresponding authority of a foreign country.

**Dated this 3rd day of August, 2021.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

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## **INQUEST INTO DEATH BILL, 2021**

*(Bill No. 38 of 2021)*

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## **INQUEST INTO DEATH BILL, 2021**

*(Bill No. 38 of 2021)*



### **A BILL FOR**

**AN ACT to provide for the circumstances under which an inquest into death may be held; to set out the purposes of an inquest; to identify the circumstances under which a post-mortem examination may be conducted and to provide for powers of forensic pathologists; and to provide for matters connected therewith or incidental thereto.**

**ENACTED** by the President and the National Assembly.

#### **PART 1 PRELIMINARY**

##### **Short title and commencement**

1.(1) This Act may be cited as the Inquest into Death Act, 2021.

(2) This Act comes into operation on such date as the Minister may, by notice published in the Gazette, appoint.

## Interpretation

1.(1) In this Act, unless the context otherwise requires —

“**body**” means a dead person, and includes any part of a person, whether or not the identity of the person concerned is known when the part is discovered or is later determined, —

(a) without which no person can live; or

(b) discovered in such circumstances or such state that it is probable that the person is dead,

but does not include a stillborn child within the meaning of the Civil Status Act, Cap 34;

“**cause of death**” includes not only the apparent cause of death as ascertainable by inspection or examination of the body, but all matters necessary to enable an opinion to be formed as to the manner in which the deceased person came by that person's death;

“**Chief Officer**” means the person appointed as Chief Officer of Civil Status under section 5 of the Civil Status Act, Cap. 34, and, when the context permits, includes a civil status officer;

“**death**” means the permanent disappearance of all evidence of life in a person at any time after the person's birth;

“**death qualifying for an inquest**” means any death the circumstances of which are set out in Schedule 1;

“**forensic pathologist**” means a pathologist appointed under section 4 as a forensic pathologist;

“**inquest**” means a hearing held under Part 6 of this Act by a person specified in section 3;

“**investigation**” or a variation thereof means an investigation into a death conducted by a police officer, forensic pathologist,

Magistrate or any person empowered to hold an inquest, and includes any post-mortem examination;

“**Magistrate**” means a Senior Magistrate or Magistrate and shall be construed as including a person appointed under section 3(2) or 3(4) to hold an inquest into a person's death;

“**medical practitioner**” means a person registered as a medical practitioner under the Medical Practitioners and Dentists Act, Cap. 126;

“**medical treatment or care**” includes any operation or any surgical, diagnostic or therapeutic procedure;

“**Minister**” means Minister responsible for legal affairs;

“**pathologist**” means a medical practitioner who has special training, experience or academic qualifications in the field of pathology;

“**place of custody**” means any place in which any person may lawfully be held, confined, detained or committed;

“**Public Health Commissioner**” means Public Health Commissioner appointed under the Public Health Authority Act, 2013;

“**video link**” means a technological arrangement whereby a witness, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard by the Magistrate and any other person who may be required to assist the Magistrate in the conduct of the inquest.

(2) For the purposes of this Act, a person is in official custody while the person is —

(a) held, confined, detained or committed under any written law in any place of custody;

- (b) proceeding to or from any such place of custody under the supervision of a police officer or any public authority charged with the person's custody; or
- (c) being taken into or escaping from such custody.

### **Authority to conduct an inquest**

3.(1) Any Magistrate shall be empowered to hold an inquest into a person's death.

(2) The President may, in consultation with the Chief Justice, appoint a person specified in Schedule 3 to hold an inquest and such person shall have all the powers, privileges, rights and jurisdiction of a Magistrate.

(3) A person appointed under subsection (2) shall, before the person holds an inquest, take and subscribe to the judicial oath set out in the Official Oaths Act, Cap. 153.

(4) Where the Chief Justice deems it necessary, a Judge may hold an inquest into a person's death instead of a Magistrate and the Judge shall have all the powers of a judicial officer.

### **Appointment of forensic pathologist**

4.(1) The Minister responsible for health may appoint a pathologist or suitably qualified medical practitioner as a forensic pathologist.

(2) All appointments made under subsection (1) shall be published in the Gazette.

## **PART 2 REPORTING OF DEATHS**

### **Obligation to report death**

5.(1) Any person who becomes aware of a death which is, or appears to be, a death qualifying for an inquest shall, as soon as reasonably practicable, make a report of the death to the Commissioner of Police.



(2) Any person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR10, 000 or to imprisonment for a term not exceeding 1 month or to both.

(3) Nothing in this section or section 6 shall derogate from any other obligation to report a death under any other written law.

### **Reporting of death occurring in official custody**

**6.** If a person dies —

- (a) in the course of being arrested or detained by any person in the exercise, or purported exercise, of any power of arrest or detention under any law; or
- (b) while the person is in official custody,

it shall be the duty of —

- (i) the person exercising the power of arrest or detention;
- (ii) the person in charge of the place of custody where the deceased person died; or
- (iii) the person in whose official custody the deceased person was at the time of death, where the deceased person was outside the place of custody at the time of death,

as the case may be, to prepare and submit to the Commissioner of Police a report of the death within 24 hours upon the person coming aware of that death.

### **Body not to be removed**

**7.(1)** In the case of a death qualifying for an inquest, no person shall remove, or in any manner alter the position of, a body unless the removal or moving of the body is —

- (a) authorized by a police officer, pathologist, forensic pathologist or medical practitioner;
  - (b) necessary for the purpose of preventing any destruction or damage to the body.
- (2) Any person who, without reasonable excuse, the burden of proving which shall be on the accused person in a prosecution, contravenes subsection (1), commits an offence and is liable on conviction to a fine not exceeding SCR 10, 000 or to imprisonment for a term not exceeding 1 month or to both.

### **PART 3 INVESTIGATIONS INTO DEATH**

#### **Police investigation into deaths**

**8.** A police officer who comes across or receives any information about any death which is, or appears to be, a death qualifying for an inquest shall —

- (a) if the body is in Seychelles, proceed immediately to the location where the body is lying or the death is believed to have occurred;
- (b) if the body is found, cause the body to be examined by a medical practitioner, pathologist or forensic pathologist;
- (c) use the police officer's best endeavours and powers to investigate the death and the circumstances connected with the death of the deceased person.

#### **Police officer to provide report to the Attorney General and Magistrate**

**9.(1)** After a police officer has started investigations into a death, the police officer shall, as soon as reasonably practicable, submit a copy of the police report together with a medical report pursuant to section 83(3) of the Civil Status Act, Cap 34, to the Attorney General and a Magistrate.

- (2) The police officer investigating into the death shall —

- (a) from time to time, provide the Attorney General and the Magistrate with such further information concerning the death as may subsequently come to the officer's knowledge, including the name of any person who has been arrested or charged in connection with the death;
- (b) comply with such directions as the Magistrate may give concerning the investigation.

### **Attorney General or Magistrate may direct forensic pathologist to conduct an investigation**

**10.(1)** When the Attorney General or a Magistrate receives information about the death of any person, the Attorney General or the Magistrate may direct —

- (a) a forensic pathologist to investigate the cause of and circumstances connected with the death; and
- (b) that a copy of all medical records, health-care records and such other documents as may be relevant to the case be provided to the forensic pathologist by —
  - (i) the person in charge of a hospital or medical facility;
  - (ii) the person in charge of the place of custody; or
  - (iii) any other person in possession thereof.

(2) The forensic pathologist shall regularly inform the police investigating the death, the Attorney General and the Magistrate about the progress of the forensic pathologist's investigations and findings.

### **Powers of forensic pathologist**

**11.(1)** A forensic pathologist making an investigation under section 10 may —

- (a) view the body at the place where the body is lying or order the

body to be removed to some more convenient place and view the body at that place;

- (b) require any medical practitioner to provide, within such time as the forensic pathologist may specify, —
- (i) a detailed report on the medical treatment or care provided to the deceased person before that person's death;
  - (ii) such medical records or health-care records pertaining to the medical treatment or care of the deceased person as the forensic pathologist may require;
  - (iii) any other information, substance or thing pertaining to the medical treatment or care of the deceased person in the possession of the medical practitioner which the forensic pathologist considers necessary for the purposes of the investigation;
- (c) request a public officer, person or body corporate to provide such information pertaining to the medical history, treatment or care of the deceased person in the possession of the public officer, person or body corporate as the forensic pathologist considers necessary for the purposes of the investigation;
- (d) request the Magistrate to direct the police to provide such assistance as the forensic pathologist may require to investigate the cause of, and circumstances connected with, the death.

(2) A medical practitioner, public officer, person or body corporate shall comply with a request under subsection (1)(b) or (1)(c) to provide information to the forensic pathologist, notwithstanding any restriction on the disclosure of information imposed by any written law and the medical practitioner or public officer shall not by so doing be treated as acting in contravention of any written law.

**PART 4**  
**POST-MORTEM EXAMINATION AND POWERS OF MAGISTRATE  
TO ORDER BURIAL, CREMATION OR EXHUMATION**

**When post-mortem examination is necessary**

12.(1) In a case of death reported to a Magistrate under section 9, the Magistrate may, after consulting a forensic pathologist, pathologist or an approved medical practitioner, order a post-mortem examination to be conducted if the Magistrate is of the opinion that a post-mortem examination is necessary in the circumstances to establish the manner and cause of death.

(2) Notwithstanding subsection (1), a Magistrate shall order a post-mortem examination to be conducted if the Attorney General makes an application for an inquest to be held.

**Conduct of post-mortem examination**

13.(1) A post-mortem examination shall be performed by —

- (a) a pathologist;
- (b) a forensic pathologist;
- (c) a medical practitioner under the supervision of a pathologist or forensic pathologist; or
- (d) an approved medical practitioner.

(2) A pathologist, forensic pathologist or an approved medical practitioner who conducts a post-mortem examination may —

- (a) perform or cause to be performed any operation on the body that the pathologist or approved medical practitioner thinks necessary, including causing any part or contents of the body or any other substance or thing to be retained for the purpose of determining the manner or cause of death;
- (b) where necessary, appoint any person who in the pathologist's, forensic pathologist's or approved medical practitioner's

opinion is qualified to make a special examination by way of an analysis, test or otherwise of any part or contents of the body or of any other substance or thing, and send such part, contents substance or thing to that person for special examination.

### **Post-mortem examination report and special examination report**

**14.(1)** A pathologist, forensic pathologist or an approved medical practitioner who conducts a post-mortem examination shall —

- (a) draw up, or cause to be drawn up, a report of the findings of the post-mortem examination and of the conclusions which shall be drawn from the report;
- (b) certify the medical cause of death; and
- (c) date and sign the report and send the report to the Magistrate who ordered the post-mortem examination.

(2) Where a person has been appointed under section 13(2)(b), that person shall draw up a report of the findings of the special examination, date and sign the report and send it to the Magistrate who ordered the post-mortem examination.

(3) The post-mortem examination report made under subsection (1) and any special examination report made under subsection (2) shall be admissible as evidence, and shall be prima facie evidence of the facts stated therein, at any inquest under this Act.

(4) A pathologist, forensic pathologist or an approved medical practitioner who conducted a post-mortem examination or any person appointed under section 13(2)(b), if summoned by a Magistrate as a witness in an inquest, may be asked to give expert evidence upon any matter arising out of the examination conducted and cause of death of the deceased person.

### **Power of Magistrate to order exhumation**

**15.** A Magistrate may, after consulting the Public Health Commissioner or if the Attorney General makes an application under section

19(2), order the exhumation of a body, or the remains of a body, for the purpose of discharging any of the Magistrate's duties, or exercising any of the Magistrate's power under this Part.

### **Power of Magistrate to order release of body for burial or cremation**

**16.(1)** Where a death which is, or appears to be, a death qualifying for an inquest has been reported to a Magistrate and the body is in Seychelles, the Magistrate shall have control of the body until such time as the Magistrate issues an order to release the body under subsection (4).

(2) Notwithstanding subsection (1), the body of the deceased person shall be examined by a medical practitioner, pathologist or forensic pathologist, and the medical practitioner, pathologist or forensic pathologist may submit a medical report to the Commissioner of Police.

(3) If a post-mortem examination has been ordered on the body, the Magistrate shall issue the order to release the body under subsection (4) only after the post-mortem examination has been concluded.

(4) The Magistrate may, whether or not the Magistrate considers that an inquest is necessary, order the release of a body subject to such directions from the Public Health Commissioner —

- (a) for burial or cremation;
- (b) for the body to be transported out of Seychelles; or
- (c) for retention of the body for use in any manner in accordance with law,

and if the Magistrate so orders, shall issue a certificate of an order of release of the body.

(5) A Magistrate shall issue a certificate of an order of release of the body where the Public Health Commissioner determines that it is in the interest of public safety to do so.

(6) A person who is issued a certificate of an order of release of the body shall make any relevant application to the Public Health Commissioner pursuant to Civil Status Act or the Public Health Act.

## **PART 5**

### **CIRCUMSTANCES UNDER WHICH AN INQUEST MAY BE HELD**

#### **Jurisdiction of Magistrate to hold an inquest**

**17.(1)** A Magistrate shall have jurisdiction to hold an inquest to determine the cause of death of any person where —

- (a) the body of the person is found in Seychelles;
- (b) the death occurred in Seychelles;
- (c) the cause of the death occurred in Seychelles;
- (d) the death occurred on board, or as a result of an occurrence on board, a Seychelles-registered aircraft or Seychelles-registered vessel;
- (e) the death occurred outside Seychelles on or from an aircraft or a vessel, other than an aircraft or a vessel referred to in paragraph (d), provided that the Attorney General has authorized the Magistrate to conduct an inquest into the death.

(2) The Magistrate shall have jurisdiction under subsection (1)(b), (c), (d) or (e) notwithstanding the absence of a body.

#### **Duty of Magistrate to hold an inquest**

**18.(1)** A Magistrate shall hold an inquest into any death which occurred in Seychelles where —

- (a) a person dies while in official custody;
- (b) the Attorney General makes an application pursuant to section 19; or



- (c) the death occurred in any of the circumstances set out in Schedule 2, unless the Magistrate is satisfied that the death was due to natural causes.

(2) A Magistrate may decide not to hold an inquest if the Magistrate is satisfied that —

- (a) the death was due to natural causes and it is unnecessary to do so;
- (b) in the circumstances, it is not necessary in the public interest, public health or in the interest of national security to do so.

(3) In deciding whether or not to hold an inquest, a Magistrate may have regard to the following matters —

- (a) in the case of a death that appears to have been unnatural or violent, whether or not it appears to have been due to the action or inaction of any other person;
- (b) the extent to which the drawing of attention to the circumstances of the death may be likely to reduce the chances of the occurrence of other deaths in similar circumstances;
- (c) the desire of any member of the immediate family of the deceased person that an inquest should be conducted;
- (d) whether or not the death occurred outside Seychelles or was caused by matters arising outside Seychelles;
- (e) whether or not an inquest or investigation into the death has been or will be conducted by a Magistrate or a corresponding authority of a foreign country;
- (f) any other matter the Magistrate thinks fit.

(4) A Magistrate who decides not to hold an inquest into a death under

subsection (2) shall report the facts to the Attorney General with the Magistrate's reasons for not holding an inquest.

**Attorney General may make an application for the Magistrate to hold an inquest**

19.(1) The Attorney General may, in any case where a Magistrate has jurisdiction and the Attorney General is satisfied that an inquest is necessary or desirable, make an application to a Magistrate for the Magistrate to hold an inquest into the death of any person.

(2) The Attorney General may, on the approval of the Public Health Commissioner, make an application to a Magistrate for an order to have a body be exhumed if the Attorney General is of the opinion that it is necessary to do so for the purposes of the inquest.

(3) Notwithstanding that proceedings at any inquest may have been concluded by a Magistrate, where it appears to the Attorney General that further investigations are necessary, the Attorney General may make an application to a Magistrate for that Magistrate to re-open the inquest and make further investigations, and the Magistrate shall thereafter proceed in the same manner as if the proceedings at the inquest had not been concluded.

**PART 6  
INQUEST INTO DEATH**

**Purpose of inquest**

20.(1) The purpose of an inquest into the death of any person is to inquire into the cause of and circumstances connected with the death and, for that purpose, the proceedings and evidence at the inquest shall be directed to ascertaining the following matters in so far as they may be ascertained —

- (a) the identity of the deceased person; and
- (b) how, when and where the deceased person came by that person's death; and
- (c) the cause of the death; and

(d) the circumstances of the death.

(2) A Magistrate at an inquest shall not frame a finding in such a way as to determine any question of criminal, civil or disciplinary liability but shall not be inhibited in the discharge of the Magistrate's functions by any likelihood of liability being inferred from facts that the Magistrate determines or recommendations that the Magistrate makes.

(3) At the conclusion of the inquest, the Magistrate shall record the Magistrate's findings as to the matters referred to in paragraphs (a) to (d) of subsection (1).

### **Law of evidence not applicable**

**21.** A Magistrate holding an inquest is not bound by the law of evidence and may conduct an inquest in any manner that the Magistrate reasonably thinks fit.

### **Questioning of witnesses**

**22.(1)** Any interested person, and any other person who has the permission of the Magistrate to do so, may examine a witness in person or by an Attorney-at-Law.

(2) Where at any inquest a report drawn up pursuant to section 14 is received in evidence, any person referred to in subsection (1) who desires to examine the maker of that report may require the Magistrate to summon that person as a witness, and the Magistrate may do so.

(3) Where the Magistrate considers it appropriate, the Magistrate may direct that a witness gives evidence by means of a video link.

### **Inquests to be made public**

**23.** The proceedings of an inquest shall be open to the public, unless the Magistrate is of the opinion that it is in the interests of justice, public order, public security or there is other sufficient reason, that the public or certain members of the public be excluded from the inquest or any part of the inquest.

**Adjournment of inquest when criminal proceedings are commenced**

**24.(1)** If, before the conclusion of an inquest by a Magistrate, any person is charged with any offence under —

- (a) Chapter XIX or Chapter XXI of the Penal Code, Cap. 158;
- (b) section 25 of the Road Transport Act, Cap. 206,

in relation to an act which caused or could have caused the death which is the subject of the inquest, the Magistrate shall adjourn the inquest until after the conclusion of the criminal proceedings.

(2) The President may by Order published in the Gazette amend subsection (1) to add or remove an offence under any written law that would cause a Magistrate to adjourn an inquest until after the conclusion of the criminal proceedings.

(3) Where a Magistrate resumes an inquest after the conclusion of the criminal proceedings referred to in subsection (1), the Magistrate shall continue with the inquest from the stage at which the inquest was adjourned, provided that at the resumed inquest no finding shall be made which is inconsistent with the result of those criminal proceedings.

(4) If, having regard to the result of the criminal proceedings referred to in subsection (1), there has been a finding in those proceedings as to the cause of and circumstances connected with the death, and the Magistrate decides not to resume the inquest, the Magistrate shall —

- (a) sign the Magistrate's record of the proceedings of inquest and sign the certificate required section 26 accordingly; and
- (b) send to the Attorney General, Chief Officer, the Principal Secretary for the Ministry of Health and Public Health Commissioner each a copy of the certificate referred to in section 26.

(5) Where an inquest is adjourned under subsection (1), it shall be the duty of the Attorney General to inform the Magistrate responsible for holding

the inquest of the result of the criminal proceedings in relation to the subject of the inquest.

- (6) In this section “criminal proceedings” means proceedings before —
- (a) a Magistrate at any preliminary inquiry;
  - (b) any court by which a person is tried; or
  - (c) any court before which an appeal from the decision or judgment of the court referred to in paragraph (b) is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can be made in the course of them.

**Adjournment of inquest when Commission is appointed under the Commissions of Inquiry Act or any other written law**

25.(1) If, before the conclusion of an inquest by a Magistrate, a commission is appointed under the Commissions of Inquiry Act, Cap. 39, or a committee or body is appointed under any other written law to inquire into any matter relating to the cause of or circumstances connected with the death which is the subject of the Magistrate's inquest, the Magistrate shall adjourn the Magistrate's inquest until after the conclusion of the inquiry by that commission, committee or body.

(2) Where a Magistrate resumes the Magistrate's inquest after the conclusion of the inquiry by the commission, committee or body referred to in subsection (1), the Magistrate shall continue with the inquest from the stage at which the inquest was adjourned, and may have regard to any report or finding by the commission, committee or body which the Magistrate considers relevant to the Magistrate's inquest.

(3) If, having regard to the report of the inquiry by the commission, committee or body referred to in subsection (1), there has been a finding in that inquiry as to the cause of and circumstances connected with the death, and the Magistrate decides not to resume the Magistrate's inquest, the Magistrate shall —

- (a) sign the Magistrate's record and the certificate required section 26 accordingly; and
- (b) send to the Attorney General, Chief Officer, the Principal Secretary for the Ministry of Health and Public Health Commissioner each a copy of the certificate referred to in section 26.

### **Magistrate's certificate**

**26.(1)** Where a Magistrate holds an inquest into the death of any person, the Magistrate shall complete and sign a certificate setting out the cause of death as determined at the inquest.

(2) The Magistrate shall, within 48 hours after the conclusion of the inquest, forward a copy of the certificate to —

- (a) the Chief Officer, together with such other particulars as are required by the Chief Officer for the purpose of registering the cause of death under the Civil Status Act, Cap. 34;
- (b) the Attorney General, the Principal Secretary for the Ministry of Health and Public Health Commissioner.

(3) If any case where a death qualifying for an inquest has occurred in Seychelles and the Magistrate has decided not to hold an inquest into the death under section 18(2), the Magistrate shall, after considering the results of the investigations into the death —

- (a) complete and sign a certificate setting out the cause of death based on the evidence at the proceedings; and
- (b) within 48 hours after signing the certificate, send a copy thereof to the Chief Officer, Attorney General, the Principal Secretary for the Ministry of Health and Public Health Commissioner.

(4) For the avoidance of doubt, a Magistrate may issue a certificate under this section in the absence of a body.

### **Admissibility of evidence in subsequent judicial proceedings**

27. No evidence admitted by a Magistrate in the course of an inquest shall be admissible in any subsequent judicial or disciplinary proceedings as evidence other than any proceedings for an offence of perjury.

## **PART 7 MISCELLANEOUS**

### **Change of Magistrate**

28. If a Magistrate —

- (a) who has authorised the release of the body is unable to hold the inquest;
- (b) is at any time unable to complete the inquest;
- (c) is unable to re-open an inquest previously concluded by that Magistrate pursuant to section pursuant to section 19,

another Magistrate may hold, continue or re-open the inquest, as the case may be, and may proceed with any evidence recorded by the previous Magistrate.

### **Exemption**

29. The President may, by order published in the Gazette, exempt any person or class of persons from an inquest under this Act.

### **Power to make Regulations**

30.(1) The Minister, in consultation with the Chief Justice, may make regulations generally for carrying out or giving effect to the purposes and provisions of this Act, including regulations to amend any Schedule.

(2) Without prejudice to the generality of subsection (1), the Minister, in consultation with the Chief Justice, may make regulations for all or any of the following matters —

- (a) the procedure or practice for the conduct of any inquest under this Act, including provisions relating to the mode of taking or recording evidence during an inquest;

- (b) the prescribing of anything required or permitted to be prescribed under this Act.

### **Consequential amendments and transitional provisions**

31.(1) The Criminal Procedure Code, Cap. 54, is amended by repealing sections 346, 347, 348, 349, 350, 351 and Form No. XXI in the Fifth Schedule.

(2) The Peace Officers (Inner Islands and Outlying Islands) Act, Cap. 157, is amended by repealing sections 4(7) and 12.

(3) Any inquest started prior to the commencement of this Act pursuant to the provisions specified in subsections (1) and (2) shall continue in accordance with the Criminal Procedure Code or the Peace Officers (Inner Islands and Outlying Islands) Act, as the case may be.

## **SCHEDULE 1**

*(section 2)*

### **DEATHS QUALIFYING FOR INQUEST**

1. Death in Seychelles of a person whose identity is not known.
2. Any death in Seychelles that was unnatural or violent.
3. Any death in Seychelles that resulted or is suspected to have resulted, directly or indirectly, from an accident.
4. Any death in Seychelles that occurred, directly or indirectly, as a result of any medical treatment or care.
5. Death in Seychelles of a person where the person was, before the person's death, in official custody and where the death was related, or suspected to be related, to that custody.
6. Any death in Seychelles occurring apparently or possibly as a consequence of any law enforcement operation.



7. Any death in Seychelles involving a public vehicle, commercial transport vehicle or other mode of public transport.
8. Any death of a person in possession of an immigration permit.
9. Any death on board a Seychelles-registered vessel or a Seychelles-registered aircraft.
10. Any death in Seychelles that was caused or suspected to have been caused by an unlawful act or omission.
11. Any death in Seychelles the manner or cause of which is unknown.
12. Any death in Seychelles that occurred under suspicious circumstances.

## **SCHEDULE 2**

*[section 18(1)(c)]*

### **DEATHS FOR WHICH INQUESTS SHALL BE HELD**

1. Death in Seychelles of a person whose identity is not known.
2. Death in Seychelles of a person where the person was, before the person's death, in official custody and where the death was related, or suspected to be related, to that custody.
3. Any death in Seychelles occurring apparently or possibly as a consequence of any law enforcement operation.
4. Any death in Seychelles that was caused or suspected to have been caused by an unlawful act or omission.
5. Any death in Seychelles the manner or cause of which is unknown.
6. Any death in Seychelles that occurred under suspicious circumstances.

**SCHEDULE 3**

*[section 3(2)]*

PERSONS WHO MAY BE APPOINTED TO HOLD AN INQUEST

1. An Attorney-at-Law with at least 3 years standing;
2. An expert who conducts inquests in another country.