

Pre-Hospital Emergency Care Council – Advisory Note, 30 September 2019

Coroners (Amendment) Act 2019

Dear Registrant,

The Coroners (Amendment) Act 2019 has direct implications for PHECC registrants. Failure to comply with the relevant provisions of the Act may result in a summary conviction or a class B fine. This advisory notice is therefore to advise you of the requirements of PHECC registrants under this Act.

The Coroners (Amendment) Act 2019 will come into operation on 16th September 2019 following the signing of SI 448 of 2019, Coroners (amendment) Act 2019 (Commencement) Order by the Minister of Justice.

Whereas the Act has a lot of detail about the role and function of Coroners, it has inserted a new section into law on the mandatory reporting of death by specific categories of people, which includes PHECC registered practitioners. The Act also outlines the circumstances of death which are 'reportable deaths' to a Coroner. It should be noted that under the Act the obligation to report the death to a Coroner is considered to be discharged if the death is reported to a member of An Garda Síochána.

Reportable deaths include;

- (a) the death of a person which occurred either directly or indirectly—
 - (i) in a violent or unnatural manner or by unfair means,
 - (ii) by misadventure,
 - (iii) unexpectedly and from unknown causes or in an unexplained manner,
 - (iv) as a result of negligence, misconduct or malpractice on the part of others, or
 - (v) in such circumstances as may, in the public interest, require investigation.
- (b) the death of a person which occurred, either directly or indirectly, from any cause other than natural illness or disease (for which the person had been treated by a registered medical practitioner within one month before his or her death)
- (c) the death of a person which occurred at a place or in circumstances which require that an inquest should be held.

Persons obliged to report death to coroner

A person specified in the Act shall, as soon as practicable after becoming aware of a reportable death, report the death to the coroner for the district in which the body is lying. (unless he or she has reasonable grounds for believing that the death has already been reported to the coroner by another person specified)

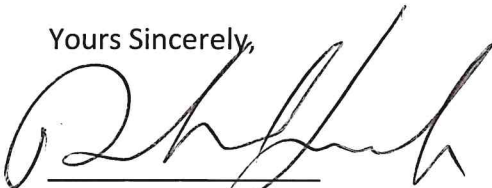
Under **Section 16 (B) (3) (c)** of the Act, PHECC registered paramedics and advanced paramedics are required to report a death to the coroner concerned if they had responsibility for, or involvement in, the care of the deceased person in the period immediately before his or her death or who was present at his or her death.

Under **Section 16 (B) (3) (h)** of the Act, a person who had care of the deceased person immediately before his or her death is required to report a death to the coroner concerned. This section is interpreted as including PHECC registered EMTs.

Person who reports a death to the coroner / Garda Síochána are obliged, under this Act, to furnish all such information available as may assist the coroner in the performance of his or her functions.

The list of other persons who are mandated to report a death under the Act is outlined in Section 16 (B) (3) (a – k), see Appendix 1.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Lodge', written over a horizontal line.

Richard Lodge
Director

Appendix 1

Coroners (Amendment) Act 2019

Amendment of Principal Act – reporting of deaths

9. The Principal Act is amended by the insertion of the following Part after Part II:

“Part IIA

REPORTING OF DEATHS

Reportable deaths

16A. (1) The following shall be a reportable death for the purposes of this Act (in this Act referred to as a ‘reportable death’):

(a) the death of a person which occurred, or may have occurred, either directly or indirectly—

(i) in a violent or unnatural manner or by unfair means,

(ii) by misadventure,

(iii) unexpectedly and from unknown causes or in an unexplained manner,

(iv) as a result of negligence, misconduct or malpractice on the part of others, or

(v) in such circumstances as may, in the public interest, require investigation;

(b) the death of a person which occurred, or may have occurred, either directly or indirectly, from any cause other than natural illness or disease for which the person had been seen and treated by a registered medical practitioner within one month before his or her death;

(c) subject to paragraphs (a) and (b), the death of a person which occurred, or may have occurred, at a place or in circumstances which, under provisions in that behalf in any other enactment, require that an inquest should be held.

(2) Without prejudice to the generality of subsection (1), the death of a person of a kind specified in the Second Schedule shall be a reportable death.

(3) The Minister may, following consultation with such persons or bodies as he or she considers appropriate, by order vary (whether by amendment, addition or deletion) the reportable deaths specified in the Second Schedule.

(4) Where it is proposed to make an order under this section, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving of the draft has been passed by each such House.

Persons obliged to report death to coroner

16B. (1) A person specified in subsection (3) or (4) shall, as soon as practicable after becoming aware of a reportable death and unless he or she has reasonable grounds for believing that the death has already been reported to the coroner by another person specified in whichever of those subsections is appropriate, report, or cause to be reported, the death to the coroner for the district in which the body is lying.

(2) Any person who knowingly contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a class B fine.

(3) The following persons are required to report a death under subsection (1) to the coroner concerned:

- (a) any medical practitioner, nurse or midwife who had responsibility for, or involvement in, the treatment or care of the deceased person in the period immediately before his or her death or who was present at his or her death;
 - (b) any registered medical practitioner who examines the body of the deceased person after death;
 - (c) any paramedic or advanced paramedic, registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000), who had responsibility for, or involvement in, the care of the deceased person in the period immediately before his or her death or who was present at his or her death;
 - (d) the funeral undertaker responsible for the disposal of the body of the deceased person;
 - (e) the person in charge of a mortuary in which the body of the deceased person is lying or comes to lie;
 - (f) an occupier of a house or other dwelling, including a mobile dwelling, in which the deceased person was residing at the time of his or her death;
 - (g) the person in charge of any public or private institution or premises, or a part of such institution or premises, in which the deceased person was residing or receiving treatment or care at the time of his or her death;
 - (h) a person who had care of the deceased person immediately before his or her death;
 - (i) where the deceased person was in State custody or detention immediately before his or her death, a person who, pursuant to an enactment or otherwise, had responsibility for the deceased person;
 - (j) the person in charge of an aircraft, ship or other vessel landing or arriving in the State on which the deceased person was travelling at the time of his or her death;
 - (k) a registrar of deaths within the meaning of the Act of 2004 to whom particulars of the death of the deceased person are given for the purposes of the performance by the registrar of deaths of his or her functions under that Act.
- (4) If the reportable death concerned is that of a stillborn child or a death intrapartum, any medical practitioner, nurse or midwife who had responsibility for, or involvement in, the treatment or care of the woman concerned in the period immediately before or after the delivery of the stillborn child, or who was present at the delivery, is required to report, or cause to be reported, the death under subsection (1) to the coroner concerned.
- (5) The obligation imposed on a person by subsection (1) shall be deemed to be discharged if he or she reports the death as soon as practicable after becoming aware of it to a member of the Garda Síochána.
- (6) It shall be the duty of a member of the Garda Síochána, on becoming aware of a reportable death (whether or not reported to him or her under subsection (5)), to report the death as soon as practicable to the coroner for the district in which the body is lying.
- (7) Where the person reporting a death under subsection (1) is a registered medical practitioner who—
- (a) provided treatment to the deceased person prior to his or her death,
 - (b) is required to report the death under that subsection in circumstances to which subsection (4) applies, or

- (c) examined the body of the deceased person after death, the registered medical practitioner shall, at the same time as reporting the death or as soon as practicable thereafter, inform the coroner concerned as to whether he or she can sign and give a medical certificate stating to the best of his or her knowledge and belief the cause of death for the purposes of the registration of the death under the Act of 2004.
- (8) Any person who reports a death pursuant to this section shall give to the coroner (or, as the case may be, a member of the Garda Síochána) all such information available to him or her as may assist the coroner in the performance of his or her functions under this Act.”.