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PRACTICE DIRECTION

(Section 21(7) Coroners and Presumption of Death Ordinance, 2015)

The following practice direction is made by the Chief Coroner pursuant to section 21(7) of the Coroners and Presumption of Death Ordinance, 2015 (the 'Ordinance') regarding conducting investigations and holding inquests. It applies to all deaths reported to a Coroner after the 1st day of May 2025.

1. When an investigation must be undertaken

- 1 (a) An investigation into a person's death must be undertaken where the Coroner has reason to suspect that—
 - i. the deceased died a violent or unnatural death;
 - ii. the cause of death is unknown; or
 - iii. the deceased died while in custody or otherwise in state detention.
- (b) In the interpretation of section 3 of the Ordinance regard must be had to the need to avoid a breach of any of the fundamental rights and freedoms of the individual within the meaning of the Constitution.
- (c) A Coroner who is responsible for conducting an investigation into a person's death may discontinue that investigation if—
 - i. the Coroner is satisfied that the cause of death has become clear in the course of the investigation following a post-mortem examination;
 - ii. an inquest into the death has not yet begun; and
 - iii. the Coroner is of the opinion that it is not necessary to continue the investigation.
- (d) Paragraph 1(c) does not apply if the Coroner has reason to suspect that the deceased—
 - i. died an violent or unnatural death;

- ii. died while in custody or otherwise in state detention; or
 - iii. any of the circumstances in paragraphs 2 or 3 exist.
- (e) Where an investigation has been discontinued the Coroner shall not further investigate, except where s.5(3A) of the Coroners and Presumption of Death Ordinance, 2015 applies (fresh investigation).

2. When an inquest must be held during an investigation

- 2 An inquest into a person's death during the course of the investigation shall be held where the Coroner has reason to suspect that—
- i. the deceased's death was due to accident, misadventure, alcohol or drugs (except long term misuse), industrial disease, lawful or unlawful killing, road traffic collision or suicide;
 - ii. the deceased died while in custody or otherwise in state detention; or
 - iii. it is necessary to ascertain in what circumstances the deceased came by his or her death to avoid a breach of any of the fundamental rights and freedoms of the individual within the meaning of the Constitution.

3. Where an inquest should normally be held during an investigation

- 3 (a) This paragraph applies where the Coroner has reason to suspect that—
- i. the cause of death is unknown and has not been ascertained by a post-mortem examination;
 - ii. there is a loss of life at sea of a person who boarded a vessel in St Helena;
 - iii. the death occurred at the deceased's place of work;
 - iv. there is reason to suspect the medical care provided to the deceased was deficient and that this may have contributed to the cause of death of the deceased, except where any such contribution to the cause of death would be insignificant;
 - v. the deceased was under 18 (except stillbirth);
 - vi. the deceased was 18 or over, but younger than 50, and the death was unexpected; or
 - vii. the circumstances in which the deceased came by his or her death are unclear.
- (b) The circumstances in paragraph 3(a) are not exhaustive and other reason(s) may exist to hold an inquest.
- (c) Should any of the circumstances in paragraphs 3(a) or (b) exist there is a presumption that an inquest shall be held during the course of an investigation.
- (d) The presumption in paragraph 3(c) applies unless there is good reason not to hold an inquest. Such reasons must be endorsed on the record of investigation.
- (e) In coming to any decision under paragraph 3(d) the Coroner shall have regard to the views of the deceased's next of kin or any other person who the Coroner considers has a close connection to the deceased. However these views are to be considered as one factor to be taken into account and are not determinative of the issue.

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- (f) If any person referred to in paragraph 3(e) requests that an inquest is held and one is not, or does not wish for an inquest to be held and one is, then the Coroner shall provide to that person reasons in writing for the decision made.
- (g) No inquest may be held without the consent of the Chief Coroner or Deputy Chief Coroner.

Duncan Cooke
Chief Coroner

30th day of April 2025