



Coroners (Forms) Regulations 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 20th day of October 2008

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 140 of the Coroners Act 2006, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Forms**

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Regulations

1 Title

These regulations are the Coroners (Forms) Regulations 2008.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires, **Act** means the Coroners Act 2006.
- (2) A reference in these regulations to a numbered form is a reference to the form so numbered in the Schedule.

4 Coroner's authorisation for release of body

The written notice by which a coroner's authorisation, under section 42 of the Act, for the release of a body must be given must be in form 1.

5 Notification of coroner's decision not to open inquiry

- (1) A coroner's notification, under section 64(1) of the Act, of a decision by the coroner not to open an inquiry into a death must be in form 2.
- (2) The coroner's reasons for the decision are information prescribed for the purposes of section 64(2) of the Act (which requires the prescribed form for that notification to contain or have attached to it the prescribed information).

6 Notification that inquiry has been opened by coroner

A coroner's notification, under section 67 of the Act, to the chief coroner and the Secretary that an inquiry has been opened by the coroner under any of sections 60, 62, and 65, or in accordance with an order under any of sections 95 to 97, of the Act must be in form 3.

7 Certificate of interim findings

A certificate of interim findings in relation to the death concerned, under section 93 of the Act, and that the coroner conducting an inquiry may complete and sign before concluding that inquiry, must be in form 4.

8 Certificate of findings

A certificate of findings in relation to the death concerned, under section 94 of the Act, and that is completed and signed by the coroner conducting and completing an inquiry, must be in form 5.

9 Warrant for information, document, or other thing

A warrant under section 122 of the Act must be in form 6.

10 Warrant for removal of body

A warrant under section 128 of the Act must be in form 7.

11 Revocation

- (1) The Coroners Regulations 1989 (SR 1989/110) are revoked.
 - (2) The revocation effected by subclause (1) is subject to clause 4 of Schedule 3 of the Act.
-

Schedule

r 3(2)

Forms

Form 1

r 4

Coroner's authorisation for release of body

Section 42, Coroners Act 2006

Coroner's reference:

In the matter of [*name of deceased*]**To** [*name and address of person having charge of release*]

I authorise pursuant to section 42 of the Coroners Act 2006 the release of the body of—

Full name of deceased:

Late of: [*full residential address*]

Occupation:

Sex: [*male or female*]

Date of birth:

Date of death:

Signed at [*location, date*]

Signature:

Coroner [*Coroner's name*]

Form 2
Notification of coroner's decision not to open
inquiry

r 5

Section 64(1), Coroners Act 2006

Coroner's reference:

In the matter of [*name of deceased*]

To the Secretary, [*address of responsible department*]

I notify you pursuant to section 64(1) of the Coroners Act 2006 of my decision not to open an inquiry in respect of the death of—

Full name of deceased:

Late of: [*full residential address*]

Occupation:

Sex: [*male or female*]

Date of birth:

The following matters are adequately disclosed in respect of the death by information arising from investigations or examinations I have made or caused to be made:

Place of death:

Date of death:

Causes of death:

- (a) direct cause:
- (b) antecedent cause (if known):
- (c) underlying condition (if known):
- (d) other significant conditions contributing to death, but not related to disease or condition causing it (if known):

Circumstances of death (if known):

*My reasons for the decision are as follows: [*state reasons*]

*My reasons for the decision are attached to this form.

*Delete whichever is inapplicable.

Signed at [*location, date*]

Signature:

Coroner [*Coroner's name*]

Form 3

r 6

Notification that inquiry has been opened by
coroner*Section 67, Coroners Act 2006*

Coroner's reference:

In the matter of [*name of deceased*]**To** the chief coroner, [*address of chief coroner*]

and

To the Secretary, [*address of responsible department*]

I notify you pursuant to section 67 of the Coroners Act 2006 that I have opened an inquiry into a death, the details of which are as follows:

Full name:

Late of: [*full residential address*]

Occupation:

Sex: [*male or female*]

Date of birth:

Place of death:

Date of death (if known):

*Having earlier decided not to open an inquiry into the death, I have for the following reasons become satisfied that it is now desirable to open an inquiry into the death, and therefore do so in accordance with section 65 of the Coroners Act 2006: [*state reasons*].

*Delete if inapplicable.

Signed at [*location, date*]

Signature:

Coroner [*Coroner's name*]

Form 4
Certificate of interim findings
Section 93, Coroners Act 2006

r 7

Coroner's reference:

In the matter of [*name of deceased*]

To the Secretary, [*address of responsible department*]

As the coroner conducting an inquiry into the death of the deceased, after considering all the evidence admitted to date for its purposes, and in the light of the purposes stated in section 57 of the Coroners Act 2006, I make the following interim findings:

Full name of deceased:

Place of death:

Date of death:

Causes of death:

- (a) direct cause:
- (b) antecedent cause (if known):
- (c) underlying condition (if known):
- (d) other significant conditions contributing to death, but not related to disease or condition causing it (if known):

*I am also satisfied, under section 57(4) of the Coroners Act 2006, that the public interest would be served by the death being investigated by [*specify 1 or more other investigating authorities*] in the performance or exercise of its or their functions, powers, or duties, and so refer the death to it or them under section 119 of that Act for that purpose.

*Delete if inapplicable.

*I have, under section 74 of the Coroners Act 2006, prohibited the making public of the following: [*specify relevant evidence given or submissions made at or for the purposes of any part of the proceedings of an inquiry, or the relevant name, and any relevant name or particulars likely to lead to the identification of, any witness(es), or both*].

*Delete if inapplicable.

My reasons for making those interim findings are as follows: [*state in writing reasons for interim findings*].

Form 4—*continued*

This is a certificate of interim findings only.

Once the inquiry has been completed, a certificate of findings under section 94 of the Coroners Act 2006 will be issued. That certificate of findings may differ from, and once issued supersedes, this certificate of interim findings.

Signed at [*location, date*]

Signature:

Coroner [*Coroner's name*]

Form 5

r 8

Certificate of findings

Section 94, Coroners Act 2006

Coroner's reference:

In the matter of [*name of deceased*]**To** the Secretary, [*address of responsible department*]

As the coroner conducting an inquiry into the death of the deceased, after considering all the evidence admitted to date for its purposes, and in the light of the purposes stated in section 57 of the Coroners Act 2006, I make the following findings:

Full name of deceased:

Late of: [*full residential address*]

Occupation:

Sex: [*male or female*]

Date of birth:

Place of death:

Date of death:

Causes of death:

- (a) direct cause:
- (b) antecedent cause (if known):
- (c) underlying condition (if known):
- (d) other significant conditions contributing to death, but not related to disease or condition causing it (if known):

Circumstances of death (if known):

*I make, under section 57(3) of the Coroners Act 2006, the attached specified recommendations or comments that, in my opinion, may, if drawn to public attention, reduce the chances of the occurrence of other deaths in circumstances similar to those in which the death occurred.

*Delete if inapplicable.

Form 5—*continued*

*I am also satisfied, under section 57(4) of the Coroners Act 2006, that the public interest would be served by the death being investigated by [*specify 1 or more other investigating authorities*] in the performance or exercise of its or their functions, powers, or duties, and so refer the death to it or them under section 119 of the Coroners Act 2006 for that purpose.

*Delete if inapplicable.

*I have, under section 74 of the Coroners Act 2006, prohibited the making public of the following: [*specify relevant evidence given or submissions made at or for the purposes of any part of the proceedings of an inquiry, or the relevant name, and any relevant name or particulars likely to lead to the identification, of any witness(es), or both*].

*Delete if inapplicable.

My reasons for making those findings are as follows: [*state in writing reasons for interim findings*].

Once the inquiry has been completed a certificate of findings under section 94 of the Coroners Act 2006 will be issued. That certificate of findings may differ from, and once issued supersedes, this certificate of interim findings.

*Those findings, and my reasons for making them, are also set out in my written findings dated: [*date*].

*Delete if inapplicable.

Signed at [*location, date*]

Signature:

Coroner [*Coroner's name*]

Form 6

r 9

Search warrant for information, document, or
other thing*Section 122, Coroners Act 2006*No: [*specify number/year*]

***To** [*specified members of the police*] (for execution by those members of the police)

or

***To** New Zealand Police (for execution by any member or members of the police)

*Delete whichever is inapplicable.

I am satisfied, on an application in writing made on oath under section 122(1)/122(2)* of the Coroners Act 2006 (the **Act**) by [*name*], a member of the police, that—

*Delete whichever is inapplicable.

[*If issued under section 122(1) of the Act, include the following.*]

- (a) a coroner (other than myself) has issued and had served on a person a notice under section 120 of the Act requiring the person, within a time specified in the notice, to give or produce to the coroner any information, class of information, document, class of documents, or other thing, specified in the notice; and
- (b) the person has failed to comply with the notice (other than because the person is excused from doing so by section 121 of the Act); and

[*If issued under section 122(2) of the Act, include the following.*]

- (a) a coroner (other than myself) has prepared, for issuing and serving on a person, a notice under section 120 of the Act requiring the person, within a time specified in the notice, to give or produce to the coroner any information, class of information, document, class of documents, or other thing, specified in the notice, but has not issued and served the notice because section 122(2)(b) of the Act applies; and
- (b) there are reasonable grounds to believe that a notice of that kind would not be complied with, and that the purpose of a warrant of this kind would be defeated if the warrant were

Form 6—*continued*

granted after a notice of that kind was issued and served under section 122(1) of the Act; and

[*Include the following whether issued under section 122(1) or 122(2) of the Act.*]

- (c) there are reasonable grounds to believe that there is in or on [*specify place, craft, or vehicle*] any information, class of information, document, class of documents, or other thing, specified in the notice, namely [*specify*].

This warrant authorises you—

- to enter and search that place, craft, or vehicle on 1 occasion within 10 working days of the date of issue of this warrant at any time that is reasonable in the circumstances, but subject to the following conditions (if any): [*specify conditions imposed under section 122(4) of the Act*]; and
- to use any assistance that is reasonable in the circumstances; and
- to use any force for making entry (whether by breaking open doors or otherwise) as is reasonable in the circumstances; and
- to use any force for breaking open any thing and for searching for, or removing from the place, craft, or vehicle any information, class of information, document, class of documents, or other thing, specified in the relevant notice under section 120 of the Act, as is reasonable in the circumstances; and
- to take copies of, or extracts from, or to reproduce in usable form any information in, any documents specified in the relevant notice under section 120 of the Act (or to require a person at or in the place, craft, or vehicle at the time of entry to do, or to help you to do, those things).

This warrant does not, however, authorise you to take any action in respect of a thing that is being withheld in accordance with section 125 of the Act.

When executing this warrant, you must comply with section 124(1) and (2) of the Act.

If you remove any information, class of information, document, class of documents, or other thing pursuant to this warrant, you are also required to comply with section 124(3) of the Act.

Form 6—*continued*

Date:

Signature:

(District Court Judge)

Form 7

r 10

Warrant for removal of body

*Section 128, Coroners Act 2006*No: [*specify number/year*]

***To** [*specified members of the police*] (for execution by those members of the police)

or

***To** New Zealand Police (for execution by any member or members of the police)

*Delete whichever is inapplicable.

I am satisfied on an application in writing made on oath under section 128(1) of the Coroners Act 2006 (the **Act**) by [*name*], a member of the police, that—

- a coroner (other than myself) has given directions about the removal of a body under section 20 of the Act; and
- there are reasonable grounds to believe that the body is being held in or on [*specify place, craft, or vehicle*] contrary to the directions; and
- the New Zealand Police has, despite having already used negotiation and all other means that are reasonable in the circumstances, failed to secure the release of the body from that place, craft, or vehicle in accordance with the directions.

This warrant authorises you—

- to enter and search that place, craft, or vehicle on 1 occasion within 10 working days of the date of issue of this warrant at any time that is reasonable in the circumstances, but subject to the following conditions (if any): [*specify conditions imposed under section 128(3) of the Act*]; and
- to use any assistance that is reasonable in the circumstances; and
- to use any force for making entry (whether by breaking open doors or otherwise), or for breaking open any thing, as is reasonable in the circumstances; and
- to use any force that is reasonable in the circumstances for searching for the body in or on, or for removing the body or

Form 7—*continued*

for preventing the removal of the body from, the place, craft, or vehicle.

When executing this warrant, you—

- must comply with section 130 of the Act; and
- may exercise powers conferred by section 131 of the Act to seize evidence that is or may be relevant to a post-mortem of the body directed under section 31 of the Act.

Date:

Signature:

(District Court Judge)

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, are made, and prescribe forms for use, under the Coroners Act 2006.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 23 October 2008.

These regulations are administered by the Ministry of Justice.
