

Inquests Rules, 1998

IT is hereby notified that the Minister of Justice, Legal and Parliamentary Affairs in consultation with the Chief Justice, has, in terms of section 12 of the Inquests Act, [Chapter 7:07], made the following rules:□

1. These rules may be cited as the Inquests Rules, 1998.
2. The magistrate holding an inquest may appoint any fit and proper person to lead the evidence at such inquest or may himself examine any witness at such inquest:

Provided that where any fatality occurs as a result of medical negligence, the magistrate may appoint an expert assessor to lead the evidence at such inquest.

3. Every inquest shall be held in public:

Provided that the magistrate may direct that the public be excluded from an inquest or any part of an inquest if he considers that there are special circumstances which make such a course desirable.

4. (1) Any person who in the opinion of the magistrate is a properly interested person shall be entitled to examine any witness at an inquest in person or through a legal practitioner:

Provided that the magistrate shall disallow any question which in his opinion is not relevant or is not otherwise a proper question.

- (2) No person shall be allowed to address the magistrate as to the facts.

5. Where it appears to the magistrate at an inquest that a witness has been asked any question tending to incriminate such witness, he shall inform the witness that he may refuse to answer.

6. The proceedings and evidence at an inquest shall be directed solely to ascertaining□

- (a) who the deceased was;
- (b) how, when and where the deceased came to his death.

7. The magistrate shall not express any opinion on any matter other than those mentioned in rule 6:

Provided that nothing in this rule shall preclude the magistrate from making a recommendation designed to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held.

8. If documentary evidence is admitted at an inquest an opportunity shall be given for the maker of the document to give oral evidence if the magistrate or any properly interested person so desires.

9. No verdict at an inquest shall be framed in such a way as to appear to determine any question of civil liability.

10. (1) A magistrate shall on application and on payment of the prescribed fee supply to any person who in the opinion of the magistrate is a properly interested person a copy of any deposition taken at an inquest or of any affidavit, statement, report or other document put in as evidence at an inquest.

- (2) The fees payable for copies of documents supplied in terms of this rule shall be the fees payable for similar documents under the rules for the time being in force relating to civil proceedings in magistrates' courts.

11. Where any fatality is such that statutory notice thereof must be given as, for example, under the Electricity Act [Chapter 13:05], or that the opinion of an inspector or other official would assist the inquiry as, for example, an inspector appointed under the Factories and Works Act, [Chapter 14:08], the magistrate shall ascertain whether such notice has been given or shall obtain the opinion of such inspector or official, as the case may be.

12. The Inquest Rules, 1958, published in Federal General Notice No. 466 of 1958 and the Inquests Rules, 1998 published in Statutory Instrument 111 of 1998 are repealed.