

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 639 , Approved and Ordered SEP 26 2007



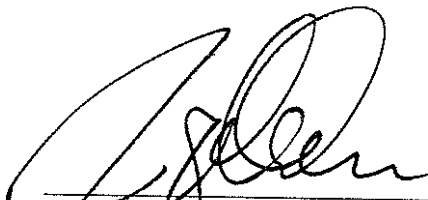
Lieutenant Governor

Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ^{Administrator} Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) *the Coroners Act, S.B.C. 2007, c. 15, is brought into force,*
- (b) *the Coroners Act Fees and Allowances Regulation, B.C. Reg. 186/81, is repealed, and*
- (c) *the attached Coroners Regulation is made.*



Minister of Public Safety and Solicitor General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Coroners Act, S.B.C. 2007, c. 15, ss. 73 & 87

Other (specify):- OIC 112/81

August 22, 2007

CORONERS REGULATION

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SCHEDULE 1

SCHEDULE 2

Definition

- 1 In this regulation, “Act” means the *Coroners Act*.

Who must report child deaths

- 2 (1) For the purposes of section 2 (2) of the Act, the following persons must immediately report the death of a child to the chief coroner:
 - (a) a medical practitioner who attended the death of the child, or attended the child during the child’s last illness;
 - (b) a funeral director who attends to the child’s funeral.
- (2) Subject to subsection (3), a report must be made by forwarding to the chief coroner, in addition to the information required by section 2 (2) of the Act, a copy of the medical certificate stating the cause of the child’s death.
- (3) If a funeral director receives the body of a child and no medical certificate accompanies the body, the funeral director must report to the chief coroner
 - (a) that the funeral director did not receive a medical certificate, and
 - (b) if known, the contact information of the medical practitioner who attended the death of the child.

Fees payable to witnesses

- 3 (1) For the purposes of section 36 of the Act, a witness who is summoned to appear at an inquest is entitled to payment, in accordance with Schedule 1, of the appearance fees and expenses reasonably and necessarily incurred by the witness for the purposes of the appearance.
- (2) A coroner may refuse any amount claimed by a witness if, in the opinion of the coroner, the amount claimed was not a fee or expense that was reasonably or necessarily incurred for the purposes of the appearance.
- (3) A coroner may direct that a witness is entitled to an amount greater than that set out in Schedule 1 if, in the opinion of the coroner, the witness paid a fee or incurred an expense that was
 - (a) greater than that set out in Schedule 1, and

- (b) reasonably and necessarily incurred for the purposes of the appearance.
- (4) A coroner may direct that a witness is entitled to an amount in respect of a fee or expense that is not set out in Schedule 1 but was reasonably and necessarily incurred by the witness for the purposes of the appearance.
- (5) Unless the coroner directs otherwise, a participant who also appears as a witness is not entitled to the fees and expenses to which a witness would otherwise be entitled.
- (6) A coroner may direct that the appearance fees and expenses of a witness, or a sum towards the appearance fees and expenses of a witness, be paid at any time, including
 - (a) in advance of the inquest, and
 - (b) at the time the summons is issued for the witness.

Forms prepared by chief coroner

- 4 (1) If the chief coroner prepares a form for use under the Act, other than forms for internal use only, the form must show all of the following:
 - (a) the provisions of the Act that
 - (i) provide authority for the making of the form, and
 - (ii) are relevant to the subject matter of the form;
 - (b) the name of the ministry of the minister;
 - (c) the name “BC Coroners Service”;
 - (d) a space for the date and signature of the coroner who will be using the form.
- (2) If the chief coroner prepares a form for use under section 11 (1) (h) or 32 of the Act, the form must include notice that the person required to attend to provide information or be a witness may receive advice from counsel, but is responsible for any fees or expenses incurred in respect of that advice.

Oath to be taken by coroners

- 5 (1) Before exercising the powers and performing the duties and functions of a coroner, a person appointed as a coroner under section 54 of the Act must, in addition to any oath the person is required to take under the *Public Service Act*, take and sign the following oath before the chief coroner or any other person qualified to administer oaths:

I,, solemnly swear/affirm [*circle one*] that I will exercise the powers and perform the duties and functions of a coroner truly and faithfully, according to my skill and knowledge.
- (2) Before exercising the powers and performing the duties and functions of a coroner, a person retained to act as a coroner under section 55 of the Act must take and sign the oath set out in Schedule 2 before the chief coroner or any other person qualified to administer oaths.

Remuneration for person retained to act as coroner

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- (1) A person retained to act as a coroner under section 55 of the Act must be remunerated at a rate of \$25 per hour in return for exercising powers and performing duties and functions as a coroner under the Act.
 - (2) The rate set under subsection (1) applies regardless of whether the powers, duties and functions are in respect of a single death or multiple deaths.
 - (3) A person retained to act as a coroner may submit to the chief coroner a claim for any expenses reasonably and necessarily incurred for the purposes of exercising powers and performing duties and functions as a coroner under the Act.
 - (4) Travel, meal and accommodation expenses claimed under subsection (3) may be paid only at the rates applicable to a coroner appointed under section 54 of the Act.

SCHEDULE 1

[section 3 (1)]

- 1
- (1) A witness who is summoned to appear at an inquest is entitled to the following appearance fees and expenses reasonably and necessarily incurred by the witness for the purposes of the appearance:
 - (a) a daily witness fee of \$20;
 - (b) a reasonable allowance for meal expenses made necessary by the witness's attendance;
 - (c) if the witness resides elsewhere than the place of the inquest and is required to remain overnight, a reasonable allowance for overnight accommodation;
 - (d) if the witness resides more than 8 km but less than 200 km from the place of the inquest by road, including any ferry route within the Provincial road system, 30¢ per km each way by road between his or her residence and the place of the inquest;
 - (e) if the witness resides 200 km or more by road from the place of the inquest,
 - (i) the minimum return air fare by scheduled airline, and
 - (ii) 30¢ per km each way from his or her residence to the departure airport and from the arrival airport to the place of the inquest;
 - (f) if the witness is an expert witness, the fee normally charged by the expert witness for preparing
 - (i) an expert report, and
 - (ii) to give evidence.
 - (2) For the purposes of subsection (1) (b) and (c), a coroner may determine what a reasonable allowance would be, given the place and time of the inquest.
 - (3) A witness described in subsection (1) (d) is not entitled to any additional amount in respect of ferry fares or road tolls.

SCHEDULE 2

[section 5 (2)]

I,, solemnly swear/affirm *[circle one]* that I will

- 1 exercise the powers and perform the duties and functions of a coroner truly and faithfully, according to my skill and knowledge,
- 2 loyally serve the people of British Columbia through their democratically elected government, and
- 3 to the best of my ability,
 - (a) act with integrity, putting the interests of the public above my own personal interest and avoiding all conflicts of interest, whether real or perceived,
 - (b) safeguard confidential information, not divulging it unless I am either authorized to do so or required to do so by law,
 - (c) base my advice, recommendations and decisions on the objective evidence that is available to me,
 - (d) serve impartially, and
 - (e) conduct myself honestly and ethically, in a manner that maintains and enhances the public's trust and confidence.

Sworn/Affirmed *[circle one]* by me, at, this day of, 20... .

.....
Person administering Oath or Affirmation

.....
Person giving Oath or Affirmation