

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA
IN THE FULL COURT
SUIT NO. M 93 OF 1987

IN THE MATTER of an application
by Michael Alridge for an Order
of Certiorari

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IN THE MATTER of an Inquisition
on an Inquest dated the 31st day
of October, 1985 made by a Coroner's
Court at Half Way Tree, St. Andrew.

Coram: Bingham J., Ellis J., and Langrin J.

W. Spauldings Q.C., and Allan Wood instructed by Dunn
Cox and Orrett for the Applicant.

D. Leys and Judith Brown for the Coroner.

L. Clarke Jnr. for the Director of Public Prosecutions.

Heard: 3rd May, 1988

BINGHAM J.

On 3rd May, 1988 we granted an application for
an Order of Certiorari to quash an Inquest held on 31st
October, 1985, at Half Way Tree in St. Andrew by Her
Honour Miss Hvacinth Walker, then sitting as Coroner
for the said parish which sought to enquire into the
death of one Barrington Dixon.

The deceased came to his death as a result of
a motor vehicle collision on 22nd November, 1984 along
Hope Road in St. Andrew between a Mazda motor car
registered FN 5578 driven by the applicant Michael
Alridge and a Honda motorcycle reg. Z 3257 ridden
by the deceased.

Statements were subsequently collected by the
Police which included a statement by the applicant which
was submitted to the Half Way Tree Police Station on
26th November, 1984.

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At the hearing of the Inquest into the matter on 31st October, 1985 the applicant was not present nor was he represented by an Attorney. No efforts or sufficient attempts were made to secure the presence of the applicant at this hearing.

Despite this the Learned Coroner sitting without a jury proceeded to hear the matter in the applicant's absence and to come to a determination of criminal responsibility on the part of the applicant.

Before us the application made by Learned Counsel for the applicant to quash the Inquest and to ^{by} revoke the warrant ordered ~~the~~ said Coroner was not opposed by Learned Counsels for both Respondents and in this regard we wish to commend them for the stand that they have taken in the matter which given the facts of this matter was quite proper in the circumstances.

On an examination of the statements of the grounds filed it is without question that all four grounds are unassailable and are of merit. We were, therefore, in the light of the clear provisions of Section 16 of the Coroner's Act which was the very section which provided the Learned Coroner with jurisdiction, to hold an Inquest without a Jury, led to adopt the course which we have now taken.

As the words as enacted in subsection (1) of Section 16 sets out the parameters within which the jurisdiction of a Coroner sitting without a Jury may proceed to hear and determine such a matter and which courses are so well defined and set out in the subsection, that it would be superfluous for us to state the obvious. What we would do, however, is to use this opportunity, as it would seem that the Learned Coroner does not appear to have advised herself of the extent of her jurisdiction

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under Section 16 to remind Resident Magistrates who exercise these functions from time to time of the relevant part of the Section which reads:-

"16(1) Subject to the provisions of this section a Coroner may, in lieu of summoning a Jury for the purpose of holding an inquest, hold an inquest without a Jury.

2. If it appears to the Coroner either before he (she) proceeds to hold an inquest or in the course of an inquest begun without a jury that there is reason to suspect -

(a) that the deceased came by his death by murder, manslaughter or infanticide, or

(b) that the death occurred in circumstances of the public, he (she) shall proceed to summon a jury in the manner required by this Act, and in any other case, if it appears to him (her), either before he (she) proceeds to hold an inquest begun without a jury, that there is reason for summoning a jury, he (she) may proceed to summon a jury in the manner aforesaid."

(Underlines mine for emphasis.)

It is abundantly clear that as the Learned Coroner was sitting without a Jury subsection (2) applied, and that if during the course of the hearing, having regard to the conclusion at which she arrived it must have operated in her mind at some stage of the proceedings that a finding adverse to the applicant who was the driver of the motor car, may have been probable. Once that stage was reached, there was no question of the Learned Coroner having a discretion in the matter as to whether to continue or stop the proceedings. The subsection mandates that this stage effectively results in what amounts to an ouster of the jurisdiction of the Coroner to continue the hearing without summoning a Jury.

In so far as the Learned Coroner failed to have proper regard to provisions of Section 16 of the relevant

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Act, therefore, she acted in excess of her jurisdiction and the inquest held as well as the finding which followed was bad for want of jurisdiction.

It is for these reasons that we proceeded to quash the inquest as well as the orders made by the Learned Coroner which flowed from the said hearing, granted the relief sought and ordered that the costs of these proceedings be made against the Respondents, limited to one day's costs

WITNESSED
this 14th day of May 1967

ELLIS J.

I agree.

LANGRIN J.

I agree.