

Translation. Only the Danish document has legal validity.

Order no. 829 of 10 December 1990 issued by the Ministry of Industry

Order on inquests and burials, etc. in case of deaths at sea (Inquest order)

In pursuance of section 19 of act no. 402 of 13 June 1990 on inquests, autopsies and transplantations, etc. (*lov om ligsyn, obduktion og transplantation m.v.*) and section 73(1) of the seamen's act (*sømandsloven*), cf. consolidated act no. 11 of 6 January 1989, and following consultation with the Minister of Justice, the following provisions are laid down:

Application

Section 1. This order shall apply in case of deaths on board a Danish ship at sea or in a foreign port.

Subsection 2. If a death occurs on a ship in a Danish port or within 24 hours before calling at a Danish port, the provisions of the act on inquests, autopsies and transplantations, etc. (*lov om ligsyn, obduktion og transplantation mv.*) shall apply instead of sections 2-6.

Treatment of dead bodies

Section 2. A person who is presumed to have deceased shall be placed under proper conditions. If the occurrence of death is not obvious, the person concerned shall be regularly attended until the master and the chief officer in conjunction or a doctor have identified signs of death. Before an inquest has been terminated and a declaration of death has been issued, the dead body may not be placed in a coffin, be buried, be burnt or led to a mortuary.

Inquest

Section 3. An inquest shall be held to decide whether a death has occurred. An inquest shall identify signs of death as well as the way and cause of death insofar as possible.

Subsection 2. An inquest shall be held by the master and the chief officer in conjunction. In cases where it is possible for a doctor to be present, the inquest shall be held by the doctor.

Information of the police

Section 4. In case of death, the Commissioner of the Copenhagen Police shall immediately be informed hereof. The police shall, following consultation with the Department of Forensic Medicine at the University of Copenhagen, decide whether to issue a declaration of death or whether to arrange for a medico-legal inquest and, possibly, a medico-legal autopsy.

Subsection 2. The report to the police shall, insofar as possible, contain the information stipulated in section 6(2)(i)-(v).

Medico-legal inquest and medico-legal autopsy

Section 5. Sections 5, 6, 9, 10 and 11 on medico-legal inquest and medico-legal autopsy of the act on inquests, autopsies and transplantations, etc. (*lov om ligsyn, obduktion og transplantation m.v.*) shall also apply.

Subsection 2. The police shall, in consultation with the Department of Forensic Medicine at the University of Copenhagen, decide whether the medico-legal inquest and the medico-legal autopsy shall take place.

Declaration of death

Section 6. When the police has given information under section 4(1) not to arrange for a medico-legal inquest or medico-legal autopsy, the person(s) having carried out the inquest under section 3(2) shall issue a declaration of death.

Subsection 2. The declaration shall be dated and signed by the person(s) having carried out the inquest and shall contain the following information:

- 1) The deceased person's full name, personal identification number (date of birth), profession and place of residence.
- 2) Place of death and finding.
- 3) Signs of death.
- 4) Reason of death.
- 5) Way of death.
- 6) The information provided by the police that a declaration of death may be issued.

Subsection 3. The declaration shall be sent to the Department of Forensic Medicine at the University of Copenhagen. A declaration containing information as mentioned in subsection 2(i)-(iii) and (vi) shall be delivered to the one arranging the funeral of the deceased person.

Notification and reporting of deaths

Section 7. If a seafarer dies, the master shall notify the deceased person's bereaved family. If the death occurs abroad, the nearest Danish representation abroad shall also be notified. As regards the master's reporting duty in connection with death during the ship's call at a Danish port, section 2(4) of the act on the reporting of births and deaths (*lov om anmeldelse af fødsler og dødsfald*) shall apply.

Burial and cremation

Section 8. The master shall accompany the notification mentioned in section 7 by a request to the bereaved family to decide as soon as possible whether they want to arrange the deceased person's burial or cremation.

Subsection 2. If the bereaved family wants to arrange the deceased person's burial or cremation, the master shall take the necessary measures as regards the preservation, etc. of the body. In other cases, the master shall ensure that the burial or cremation is carried out in a proper way and, insofar as possible, in accordance with the deceased person's wishes and creed or in

consideration of the religious ceremonial or other solemn forms normally observed in the deceased person's native country.

Subsection 3. If the deceased person is not a seafarer, but a person accompanying the ship, the bereaved family shall take care of the deceased person's burial or cremation.

Subsection 4. If the death occurs while the ship is at sea and if the ship's arrival in a port or at a place where burial or cremation may take place cannot be awaited for climatic, health or other urgent reasons, the master shall – irrespective of the provisions of subsections 1-3 – ensure that the body is lowered into the sea in consideration of the forms and ceremonies normally observed in the merchant fleet. Before such a decision is made, the master shall, insofar as possible, obtain the consent of the deceased person's bereaved family. If the deceased person was a member of the Danish National Evangelical Lutheran Church, the master shall, insofar as possible, follow the directions contained in "Guidance for religious service on board" (*Vejledning for kirkelig betjening om bord*).

Section 9. If cremation takes place through arrangements made by the master, the master shall ensure that the ashes are sent home. Requests for assistance in sending home the ashes may be addressed to a Danish representation abroad.

The deceased person's belongings

Section 10. The master shall, as soon as possible after the death, make a list of what the deceased person has left on board. The correctness of the list shall be confirmed by two persons. The master shall ensure that the list as well as the deceased person's belongings and wages are sent to the relevant Danish probate court or nearest Danish representation abroad.

Entry into force

Section 11. This order shall enter into force on 1 April 1991.

Subsection 2. At the same time, sections 13-18 of order no. 614 of 29 November 1973 on the right to care and a free journey home, etc. under the seamen's act (*sømandsloven*), as amended by order no. 450 of 21 June 1988, shall be repealed.

Danish Ministry of Industry, 10 December 1990
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