



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 1

#### CORONERS ETC

### CHAPTER 1

#### INVESTIGATIONS INTO DEATHS

##### *Duty to investigate*

#### **1 Duty to investigate certain deaths**

- (1) A senior coroner who is made aware that the body of a deceased person is within that coroner's area must as soon as practicable conduct an investigation into the person's death if subsection (2) applies.
- (2) This subsection applies if the coroner has reason to suspect that—
  - (a) the deceased died a violent or unnatural death,
  - (b) the cause of death is unknown, or
  - (c) the deceased died while in custody or otherwise in state detention.
- (3) Subsection (1) is subject to sections 2 to 4.
- (4) A senior coroner who has reason to believe that—
  - (a) a death has occurred in or near the coroner's area,
  - (b) the circumstances of the death are such that there should be an investigation into it, and
  - (c) the duty to conduct an investigation into the death under subsection (1) does not arise because of the destruction, loss or absence of the body,may report the matter to the Chief Coroner.

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- (5) On receiving a report under subsection (4) the Chief Coroner may direct a senior coroner (who does not have to be the one who made the report) to conduct an investigation into the death.
- (6) The coroner to whom a direction is given under subsection (5) must conduct an investigation into the death as soon as practicable.  
This is subject to section 3.
- (7) A senior coroner may make whatever enquiries seem necessary in order to decide—
  - (a) whether the duty under subsection (1) arises;
  - (b) whether the power under subsection (4) arises.
- (8) This Chapter is subject to Schedule 10.

#### *Investigation by other coroner*

### **2 Request for other coroner to conduct investigation**

- (1) A senior coroner (coroner A) who is under a duty under section 1(1) to conduct an investigation into a person's death may request a senior coroner for another area (coroner B) to conduct the investigation.
- (2) If coroner B agrees to conduct the investigation, that coroner (and not coroner A) must conduct the investigation, and must do so as soon as practicable.
- (3) Subsection (2) does not apply if a direction concerning the investigation is given under section 3 before coroner B agrees to conduct the investigation.
- (4) Subsection (2) is subject to—
  - (a) any direction concerning the investigation that is given under section 3 after the agreement, and
  - (b) section 4.
- (5) A senior coroner must give to the Chief Coroner notice in writing of any request made by him or her under subsection (1), stating whether or not the other coroner agreed to it.

### **3 Direction for other coroner to conduct investigation**

- (1) The Chief Coroner may direct a senior coroner (coroner B) to conduct an investigation under this Part into a person's death even though, apart from the direction, a different senior coroner (coroner A) would be under a duty to conduct it.
- (2) Where a direction is given under this section, coroner B (and not coroner A) must conduct the investigation, and must do so as soon as practicable.
- (3) Subsection (2) is subject to—
  - (a) any subsequent direction concerning the investigation that is given under this section, and
  - (b) section 4.
- (4) The Chief Coroner must give notice in writing of a direction under this section to coroner A.

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- (5) A reference in this section to conducting an investigation, in the case of an investigation that has already begun, is to be read as a reference to continuing to conduct the investigation.

#### *Discontinuance of investigation*

### **4 Discontinuance where cause of death revealed by post-mortem examination**

- (1) A senior coroner who is responsible for conducting an investigation under this Part into a person's death must discontinue the investigation if—
- (a) an examination under section 14 reveals the cause of death before the coroner has begun holding an inquest into the death, and
  - (b) the coroner thinks that it is not necessary to continue the investigation.
- (2) Subsection (1) does not apply if the coroner has reason to suspect that the deceased—
- (a) died a violent or unnatural death, or
  - (b) died while in custody or otherwise in state detention.
- (3) Where a senior coroner discontinues an investigation into a death under this section—
- (a) the coroner may not hold an inquest into the death;
  - (b) no determination or finding under section 10(1) may be made in respect of the death.

This subsection does not prevent a fresh investigation under this Part from being conducted into the death.

- (4) A senior coroner who discontinues an investigation into a death under this section must, if requested to do so in writing by an interested person, give to that person as soon as practicable a written explanation as to why the investigation was discontinued.

#### *Purpose of investigation*

### **5 Matters to be ascertained**

- (1) The purpose of an investigation under this Part into a person's death is to ascertain—
- (a) who the deceased was;
  - (b) how, when and where the deceased came by his or her death;
  - (c) the particulars (if any) required by the 1953 Act to be registered concerning the death.
- (2) Where necessary in order to avoid a breach of any Convention rights (within the meaning of the [Human Rights Act 1998 \(c. 42\)](#)), the purpose mentioned in subsection (1)(b) is to be read as including the purpose of ascertaining in what circumstances the deceased came by his or her death.
- (3) Neither the senior coroner conducting an investigation under this Part into a person's death nor the jury (if there is one) may express any opinion on any matter other than—
- (a) the questions mentioned in subsection (1)(a) and (b) (read with subsection (2) where applicable);
  - (b) the particulars mentioned in subsection (1)(c).

This is subject to paragraph 7 of Schedule 5.

## *Inquests*

### **6 Duty to hold inquest**

A senior coroner who conducts an investigation under this Part into a person's death must (as part of the investigation) hold an inquest into the death.

This is subject to section 4(3)(a).

### **7 Whether jury required**

- (1) An inquest into a death must be held without a jury unless subsection (2) or (3) applies.
- (2) An inquest into a death must be held with a jury if the senior coroner has reason to suspect—
  - (a) that the deceased died while in custody or otherwise in state detention, and that either—
    - (i) the death was a violent or unnatural one, or
    - (ii) the cause of death is unknown,
  - (b) that the death resulted from an act or omission of—
    - (i) a police officer, or
    - (ii) a member of a service police force,in the purported execution of the officer's or member's duty as such, or
  - (c) that the death was caused by a notifiable accident, poisoning or disease.
- (3) An inquest into a death may be held with a jury if the senior coroner thinks that there is sufficient reason for doing so.
- (4) For the purposes of subsection (2)(c) an accident, poisoning or disease is "notifiable" if notice of it is required under any Act to be given—
  - (a) to a government department,
  - (b) to an inspector or other officer of a government department, or
  - (c) to an inspector appointed under section 19 of the [Health and Safety at Work etc. Act 1974 \(c. 37\)](#).

### **8 Assembling a jury**

- (1) The jury at an inquest (where there is a jury) is to consist of seven, eight, nine, ten or eleven persons.
- (2) For the purpose of summoning a jury, a senior coroner may summon persons (whether within or without the coroner area for which that coroner is appointed) to attend at the time and place stated in the summons.
- (3) Once assembled, the members of a jury are to be sworn by or before the coroner to inquire into the death of the deceased and to give a true determination according to the evidence.
- (4) Only a person who is qualified to serve as a juror in the Crown Court, the High Court and the county courts, under section 1 of the [Juries Act 1974 \(c. 23\)](#), is qualified to serve as a juror at an inquest.

- (5) The senior coroner may put to a person summoned under this section any questions that appear necessary to establish whether or not the person is qualified to serve as a juror at an inquest.

## **9 Determinations and findings by jury**

- (1) Subject to subsection (2), a determination or finding that a jury is required to make under section 10(1) must be unanimous.
- (2) A determination or finding need not be unanimous if—
- (a) only one or two of the jury do not agree on it, and
  - (b) the jury has deliberated for a period of time that the senior coroner thinks reasonable in view of the nature and complexity of the case.
- Before accepting a determination or finding not agreed on by all the members of the jury, the coroner must require one of them to announce publicly how many agreed and how many did not.
- (3) If the members of the jury, or the number of members required by subsection (2)(a), do not agree on a determination or finding, the coroner may discharge the jury and another one may be summoned in its place.

### *Outcome of investigation*

## **10 Determinations and findings to be made**

- (1) After hearing the evidence at an inquest into a death, the senior coroner (if there is no jury) or the jury (if there is one) must—
- (a) make a determination as to the questions mentioned in section 5(1)(a) and (b) (read with section 5(2) where applicable), and
  - (b) if particulars are required by the 1953 Act to be registered concerning the death, make a finding as to those particulars.
- (2) A determination under subsection (1)(a) may not be framed in such a way as to appear to determine any question of—
- (a) criminal liability on the part of a named person, or
  - (b) civil liability.
- (3) In subsection (2) “criminal liability” includes liability in respect of a service offence.

### *Suspension*

## **11 Duty or power to suspend or resume investigations**

Schedule 1 makes provision about suspension and resumption of investigations.

*Death of service personnel abroad***12 Investigation in Scotland**

- (1) This section applies to the death outside the United Kingdom of a person within subsection (2) or (3).
- (2) A person is within this subsection if at the time of the death the person was subject to service law by virtue of section 367 of the [Armed Forces Act 2006 \(c. 52\)](#) and was engaged in—
  - (a) active service,
  - (b) activities carried on in preparation for, or directly in support of, active service, or
  - (c) training carried out in order to improve or maintain the effectiveness of those engaged in active service.
- (3) A person is within this subsection if at the time of the death the person was not subject to service law but—
  - (a) by virtue of paragraph 7 of Schedule 15 to the [Armed Forces Act 2006](#) was a civilian subject to service discipline, and
  - (b) was accompanying persons subject to service law who were engaged in active service.
- (4) If—
  - (a) the person’s body is within Scotland or is expected to be brought to the United Kingdom, and
  - (b) the Secretary of State thinks that it may be appropriate for the circumstances of the death to be investigated under the [Fatal Accidents and Sudden Deaths Inquiry \(Scotland\) Act 1976 \(c. 14\)](#),
 the Secretary of State may notify the Lord Advocate accordingly.
- (5) If—
  - (a) the person’s body is within England and Wales, and
  - (b) the Chief Coroner thinks that it may be appropriate for the circumstances of the death to be investigated under that Act,
 the Chief Coroner may notify the Lord Advocate accordingly.

**13 Investigation in England and Wales despite body being brought to Scotland**

- (1) The Chief Coroner may direct a senior coroner to conduct an investigation into a person’s death if—
  - (a) the deceased is a person within subsection (2) or (3) of section 12,
  - (b) the Lord Advocate has been notified under subsection (4) or (5) of that section in relation to the death,
  - (c) the body of the deceased has been brought to Scotland,
  - (d) no inquiry into the circumstances of the death under the [Fatal Accidents and Sudden Deaths Inquiry \(Scotland\) Act 1976 \(c. 14\)](#) has been held (or any such inquiry that has been started has not been concluded),
  - (e) the Lord Advocate notifies the Chief Coroner that, in the Lord Advocate’s view, it may be appropriate for an investigation under this Part into the death to be conducted, and

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- (f) the Chief Coroner has reason to suspect that—
  - (i) the deceased died a violent or unnatural death,
  - (ii) the cause of death is unknown, or
  - (iii) the deceased died while in custody or otherwise in state detention.
- (2) The coroner to whom a direction is given under subsection (1) must conduct an investigation into the death as soon as practicable.

This is subject to section 3.

#### *Ancillary powers of coroners in relation to deaths*

### **14 Post-mortem examinations**

- (1) A senior coroner may request a suitable practitioner to make a post-mortem examination of a body if—
  - (a) the coroner is responsible for conducting an investigation under this Part into the death of the person in question, or
  - (b) a post-mortem examination is necessary to enable the coroner to decide whether the death is one into which the coroner has a duty under section 1(1) to conduct an investigation.
- (2) A request under subsection (1) may specify the kind of examination to be made.
- (3) For the purposes of subsection (1) a person is a suitable practitioner if he or she—
  - (a) is a registered medical practitioner, or
  - (b) in a case where a particular kind of examination is requested, a practitioner of a description designated by the Chief Coroner as suitable to make examinations of that kind.
- (4) Where a person informs the senior coroner that, in the informant's opinion, death was caused wholly or partly by the improper or negligent treatment of a registered medical practitioner or other person, that practitioner or other person—
  - (a) must not make, or assist at, an examination under this section of the body, but
  - (b) is entitled to be represented at such an examination.

This subsection has no effect as regards a post-mortem examination already made.

- (5) A person who makes a post-mortem examination under this section must as soon as practicable report the result of the examination to the senior coroner in whatever form the coroner requires.

### **15 Power to remove body**

- (1) A senior coroner who—
  - (a) is responsible for conducting an investigation under this Part into a person's death, or
  - (b) needs to request a post-mortem examination under section 14 in order to decide whether the death is one into which the coroner has a duty under section 1(1) to conduct an investigation,may order the body to be removed to any suitable place.
- (2) That place may be within the coroner's area or elsewhere.

- (3) The senior coroner may not order the removal of a body under this section to a place provided by a person who has not consented to its being removed there.

This does not apply to a place within the coroner's area that is provided by a district council, a county council, a county borough council, a London borough council or the Common Council.

### *Miscellaneous*

## **16 Investigations lasting more than a year**

- (1) A senior coroner who is conducting an investigation under this Part into a person's death that has not been completed or discontinued within a year—
- (a) must notify the Chief Coroner of that fact;
  - (b) must notify the Chief Coroner of the date on which the investigation is completed or discontinued.
- (2) In subsection (1) “within a year” means within the period of 12 months beginning with the day on which the coroner was made aware that the person's body was within the coroner's area.
- (3) The Chief Coroner must keep a register of notifications given under subsection (1).

## **17 Monitoring of and training for investigations into deaths of service personnel**

- (1) The Chief Coroner must—
- (a) monitor investigations under this Part into service deaths;
  - (b) secure that coroners conducting such investigations are suitably trained to do so.
- (2) In this section “service death” means the death of a person who at the time of the death was subject to service law by virtue of section 367 of the [Armed Forces Act 2006 \(c. 52\)](#) and was engaged in—
- (a) active service,
  - (b) activities carried on in preparation for, or directly in support of, active service, or
  - (c) training carried out in order to improve or maintain the effectiveness of those engaged in active service.

## **CHAPTER 2**

### NOTIFICATION, CERTIFICATION AND REGISTRATION OF DEATHS

## **18 Notification by medical practitioner to senior coroner**

- (1) The Lord Chancellor may make regulations requiring a registered medical practitioner, in prescribed cases or circumstances, to notify a senior coroner of a death of which the practitioner is aware.
- (2) Before making regulations under this section the Lord Chancellor must consult—



- (a) the Secretary of State for Health, and
- (b) the Chief Coroner.

## 19 Medical examiners

- (1) Primary Care Trusts (in England) and Local Health Boards (in Wales) must appoint persons as medical examiners to discharge the functions conferred on medical examiners by or under this Chapter.
- (2) Each Trust or Board must—
  - (a) appoint enough medical examiners, and make available enough funds and other resources, to enable those functions to be discharged in its area;
  - (b) monitor the performance of medical examiners appointed by the Trust or Board by reference to any standards or levels of performance that those examiners are expected to attain.
- (3) A person may be appointed as a medical examiner only if, at the time of the appointment, he or she—
  - (a) is a registered medical practitioner and has been throughout the previous 5 years, and
  - (b) practises as such or has done within the previous 5 years.
- (4) The appropriate Minister may by regulations make—
  - (a) provision about the terms of appointment of medical examiners and about termination of appointment;
  - (b) provision for the payment to medical examiners of remuneration, expenses, fees, compensation for termination of appointment, pensions, allowances or gratuities;
  - (c) provision as to training—
    - (i) to be undertaken as a precondition for appointment as a medical examiner;
    - (ii) to be undertaken by medical examiners;
  - (d) provision about the procedure to be followed in connection with the exercise of functions by medical examiners;
  - (e) provision conferring functions on medical examiners;
  - (f) provision for functions of medical examiners to be exercised, during a period of emergency, by persons not meeting the criteria in subsection (3).
- (5) Nothing in this section, or in regulations under this section, gives a Primary Care Trust or a Local Health Board any role in relation to the way in which medical examiners exercise their professional judgment as medical practitioners.
- (6) In this section “the appropriate Minister” means—
  - (a) in relation to England, the Secretary of State;
  - (b) in relation to Wales, the Welsh Ministers.
- (7) For the purposes of this section a “period of emergency” is a period certified as such by the Secretary of State on the basis that there is or has been, or is about to be, an event or situation involving or causing, or having the potential to cause, a substantial loss of human life throughout, or in any part of, England and Wales.
- (8) A certification under subsection (7) must specify—

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- (a) the date when the period of emergency begins, and
- (b) the date when it is to end.

(9) Subsection (8)(b) does not prevent the Secretary of State certifying a new period of emergency in respect of the same event or situation.

## **20 Medical certificate of cause of death**

(1) The Secretary of State may by regulations make the following provision in relation to a death that is required to be registered under Part 2 of the 1953 Act—

- (a) provision requiring a registered medical practitioner who attended the deceased before his or her death (an “attending practitioner”)—
  - (i) to prepare a certificate stating the cause of death to the best of the practitioner’s knowledge and belief (an “attending practitioner’s certificate”), or
  - (ii) where the practitioner is unable to establish the cause of death, to refer the case to a senior coroner;
- (b) provision requiring a copy of an attending practitioner’s certificate to be given to a medical examiner;
- (c) provision allowing an attending practitioner, if invited to do so by the medical examiner or a registrar, to issue a fresh attending practitioner’s certificate superseding the existing one;
- (d) provision requiring a senior coroner to refer a case to a medical examiner;
- (e) provision requiring a medical examiner to make whatever enquiries appear to be necessary in order to confirm or establish the cause of death;
- (f) provision requiring a medical examiner to whom a copy of an attending practitioner’s certificate has been given—
  - (i) to confirm the cause of death stated on the certificate and to notify a registrar that the cause of death has been confirmed, or
  - (ii) where the examiner is unable to confirm the cause of death, to refer the case to a senior coroner;
- (g) provision for an attending practitioner’s certificate, once the cause of death has been confirmed as mentioned in paragraph (f), to be given to a registrar;
- (h) provision requiring a medical examiner to whom a case has been referred by a senior coroner—
  - (i) to issue a certificate stating the cause of death to the best of the examiner’s knowledge and belief (a “medical examiner’s certificate”) and to notify a registrar that the certificate has been issued, or
  - (ii) where the examiner is unable to establish the cause of the death, to refer the case back to the coroner;
- (i) provision for a medical examiner’s certificate to be given to a registrar;
- (j) provision allowing a medical examiner, if invited to do so by the registrar, to issue a fresh medical examiner’s certificate superseding the existing one;
- (k) provision requiring a medical examiner or someone acting on behalf of a medical examiner—
  - (i) to discuss the cause of death with the informant or with some other person whom the examiner considers appropriate, and

- (ii) to give him or her the opportunity to mention any matter that might cause a senior coroner to think that the death should be investigated under section 1;
- (l) provision for confirmation to be given in writing, either by the informant or by a person of a prescribed description, that the requirement referred to in paragraph (k) has been complied with;
- (m) provision prescribing forms (including the form of an attending practitioner's certificate and of a medical examiner's certificate) for use by persons exercising functions under the regulations, and requiring the forms to be made available to those persons;
- (n) provision requiring the Chief Medical Officer of the Department of Health, after consulting—
- (i) the Officer with corresponding functions in relation to Wales,
  - (ii) the Registrar General, and
  - (iii) the Statistics Board,
- to issue guidance as to how certificates and other forms under the regulations are to be completed;
- (o) provision for certificates or other forms under the regulations to be signed or otherwise authenticated.
- (2) Regulations under subsection (1) imposing a requirement—
- (a) may prescribe a period within which the requirement is to be complied with;
  - (b) may prescribe cases or circumstances in which the requirement does, or does not, apply (and may, in particular, provide for the requirement not to apply during a period of emergency).
- (3) The power under subsection (1)(m) to prescribe forms is exercisable only after consultation with—
- (a) the Welsh Ministers,
  - (b) the Registrar General, and
  - (c) the Statistics Board.
- (4) Regulations under subsection (1) may provide for functions that would otherwise be exercisable by a registered medical practitioner who attended the deceased before his or her death to be exercisable, during a period of emergency, by a registered medical practitioner who did not do so.
- (5) The appropriate Minister may by regulations provide for a fee to be payable to a Primary Care Trust or Local Health Board in respect of—
- (a) a medical examiner's confirmation of the cause of death stated on an attending practitioner's certificate, or
  - (b) the issue of a medical examiner's certificate.
- (6) Section 7 of the [Cremation Act 1902 \(c. 8\)](#) (regulations as to burning) does not require the Secretary of State to make regulations, or to include any provision in regulations, if or to the extent that he or she thinks it unnecessary to do so in consequence of—
- (a) provision made by regulations under this Chapter or by Coroners regulations, or
  - (b) provision contained in, or made by regulations under, Part 2 of the 1953 Act as amended by Part 1 of Schedule 21 to this Act.
- (7) In this section—

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“the appropriate Minister” has the same meaning as in section 19;  
 “informant”, in relation to a death, means the person who gave particulars concerning the death to the registrar under section 16 or 17 of the 1953 Act;  
 “period of emergency” has the same meaning as in section 19;  
 “the Statistics Board” means the body corporate established by section 1 of the [Statistics and Registration Service Act 2007 \(c. 18\)](#).

## **21 National Medical Examiner**

- (1) The Secretary of State may appoint a person as National Medical Examiner.
- (2) The National Medical Examiner is to have—
  - (a) the function of issuing guidance to medical examiners with a view to securing that they carry out their functions in an effective and proportionate manner;
  - (b) any further functions conferred by regulations made by the Secretary of State.
- (3) Before appointing a person as National Medical Examiner or making regulations under subsection (2)(b), the Secretary of State must consult the Welsh Ministers.
- (4) A person may be appointed as National Medical Examiner only if, at the time of the appointment, he or she—
  - (a) is a registered medical practitioner and has been throughout the previous 5 years, and
  - (b) practises as such or has done within the previous 5 years.
- (5) The appointment of a person as National Medical Examiner is to be on whatever terms and conditions the Secretary of State thinks appropriate.
- (6) The Secretary of State may pay to the National Medical Examiner—
  - (a) amounts determined by the Secretary of State by way of remuneration or allowances;
  - (b) amounts determined by the Secretary of State towards expenses incurred in performing functions as such.
- (7) The National Medical Examiner may amend or revoke any guidance issued under subsection (2)(a).
- (8) The National Medical Examiner must consult the Welsh Ministers before issuing, amending or revoking any such guidance.
- (9) Medical examiners must have regard to any such guidance in carrying out their functions.

## **CHAPTER 3**

### CORONER AREAS, APPOINTMENTS ETC

## **22 Coroner areas**

Schedule 2 makes provision about coroner areas.

## **23 Appointment etc of senior coroners, area coroners and assistant coroners**

Schedule 3 makes provision about the appointment etc of senior coroners, area coroners and assistant coroners.

## **24 Provision of staff and accommodation**

- (1) The relevant authority for a coroner area—
  - (a) must secure the provision of whatever officers and other staff are needed by the coroners for that area to carry out their functions;
  - (b) must provide, or secure the provision of, accommodation that is appropriate to the needs of those coroners in carrying out their functions;
  - (c) must maintain, or secure the maintenance of, accommodation provided under paragraph (b).
- (2) Subsection (1)(a) applies to a particular coroner area only if, or to the extent that, the necessary officers and other staff for that area are not provided by a police authority.
- (3) Subsection (1)(c) does not apply in relation to accommodation the maintenance of which is the responsibility of a person other than the relevant authority in question.
- (4) In deciding how to discharge its duties under subsection (1)(b) and (c), the relevant authority for a coroner area must take into account the views of the senior coroner for that area.
- (5) A reference in subsection (1) to the coroners for an area is to the senior coroner, and any area coroners or assistant coroners, for that area.

## **CHAPTER 4**

### INVESTIGATIONS CONCERNING TREASURE

## **25 Coroner for Treasure and Assistant Coroners for Treasure**

Schedule 4 makes provision about the appointment etc of the Coroner for Treasure and Assistant Coroners for Treasure.

## **26 Investigations concerning treasure**

- (1) The Coroner for Treasure must conduct an investigation concerning an object in respect of which notification is given under section 8(1) of the [Treasure Act 1996 \(c. 24\)](#).
- (2) The Coroner for Treasure may conduct an investigation concerning an object in respect of which notification has not been given under that section if he or she has reason to suspect that the object is treasure.
- (3) The Coroner for Treasure may conduct an investigation concerning an object if he or she has reason to suspect that the object is treasure trove.
- (4) Subsections (1) to (3) are subject to section 29.
- (5) The purpose of an investigation under this section is to ascertain—
  - (a) whether or not the object in question is treasure or treasure trove;

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(b) if it is treasure or treasure trove, who found it, where it was found and when it was found.

(6) Senior coroners, area coroners and assistant coroners have no functions in relation to objects that are or may be treasure or treasure trove.

This is subject to paragraph 11 of Schedule 4 (which enables an assistant coroner acting as an Assistant Coroner for Treasure to perform functions of the Coroner for Treasure).

## 27 Inquests concerning treasure

(1) The Coroner for Treasure may, as part of an investigation under section 26, hold an inquest concerning the object in question (a “treasure inquest”).

(2) A treasure inquest must be held without a jury, unless the Coroner for Treasure thinks there is sufficient reason for it to be held with a jury.

(3) In relation to a treasure inquest held with a jury, sections 8 and 9 apply with the following modifications—

- (a) a reference to a senior coroner is to be read as a reference to the Coroner for Treasure;
- (b) the reference in section 8(3) to the death of the deceased is to be read as a reference to the matters mentioned in section 26(5).

## 28 Outcome of investigations concerning treasure

Where the Coroner for Treasure has conducted an investigation under section 26, a determination as to the question mentioned in subsection (5)(a) of that section, and (where applicable) the questions mentioned in subsection (5)(b) of that section, must be made—

- (a) by the Coroner for Treasure after considering the evidence (where an inquest is not held),
- (b) by the Coroner for Treasure after hearing the evidence (where an inquest is held without a jury), or
- (c) by the jury after hearing the evidence (where an inquest is held with a jury).

## 29 Exception to duty to investigate

(1) Where the Coroner for Treasure is conducting, or proposes to conduct, an investigation under section 26 concerning—

- (a) an object that would vest in the Crown under the [Treasure Act 1996 \(c. 24\)](#) if the object was in fact treasure and there were no prior interests or rights, or
- (b) an object that would belong to the Crown under the law relating to treasure trove if the object was in fact treasure trove,

the Secretary of State may give notice to the Coroner for Treasure disclaiming, on behalf of the Crown, any title that the Crown may have to the object.

(2) Where the Coroner for Treasure is conducting, or proposes to conduct, an investigation under section 26 concerning—

- (a) an object that would vest in the franchisee under the [Treasure Act 1996](#) if the object was in fact treasure and there were no prior interests or rights, or

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- (b) an object that would belong to the franchisee under the law relating to treasure trove if the object was in fact treasure trove,  
the franchisee may give notice to the Coroner for Treasure disclaiming any title that the franchisee may have to the object.
- (3) A notice under subsection (1) or (2) may be given only before the making of a determination under section 28.
- (4) Where a notice is given under subsection (1) or (2)—
  - (a) the object is to be treated as not vesting in or belonging to the Crown, or (as the case may be) the franchisee, under the [Treasure Act 1996](#), or the law relating to treasure trove;
  - (b) the Coroner for Treasure may not conduct an investigation concerning the object under section 26 or, if an investigation has already begun, may not continue with it;
  - (c) without prejudice to the interests or rights of others, the object may be delivered to a person in accordance with a code of practice published under section 11 of the [Treasure Act 1996](#).
- (5) For the purposes of this section the franchisee, in relation to an object, is the person who—
  - (a) was, immediately before the commencement of section 4 of the [Treasure Act 1996](#), or
  - (b) apart from that Act, as successor in title, would have been,  
the franchisee of the Crown in right of treasure trove for the place where the object was found.

### **30 Duty to notify Coroner for Treasure etc of acquisition of certain objects**

- (1) After section 8 of the [Treasure Act 1996 \(c. 24\)](#) there is inserted—

#### **“8A Duty to notify coroner of acquisition of certain objects**

- (1) A person who—
  - (a) acquires property in an object, and
  - (b) believes or has reasonable grounds for believing—
    - (i) that the object is treasure, and
    - (ii) that notification in respect of the object has not been given under section 8(1) or this subsection,must notify the Coroner for Treasure before the end of the notice period.
- (2) The notice period is fourteen days beginning with—
  - (a) the day after the person acquires property in the object; or
  - (b) if later, the day on which the person first believes or has reason to believe—
    - (i) that the object is treasure; and
    - (ii) that notification in respect of the object has not been given under section 8(1) or subsection (1) of this section.
- (3) Any person who fails to comply with subsection (1) is guilty of an offence if—

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- (a) notification in respect of the object has not been given under section 8(1) or subsection (1) of this section; and
  - (b) there has been no investigation in relation to the object.
- (4) Any person guilty of an offence under this section is liable on summary conviction to—
- (a) imprisonment for a term not exceeding 51 weeks;
  - (b) a fine of an amount not exceeding level 5 on the standard scale; or
  - (c) both.
- (5) In proceedings for an offence under this section, it is a defence for the defendant to show that he had, and has continued to have, a reasonable excuse for failing to notify the Coroner for Treasure.
- (6) If the office of Coroner for Treasure is vacant, notification under subsection (1) must be given to an Assistant Coroner for Treasure.
- (7) In determining for the purposes of this section whether a person has acquired property in an object, section 4 is to be disregarded.
- (8) For the purposes of an investigation in relation to an object in respect of which notification has been given under subsection (1), the object is to be presumed, in the absence of evidence to the contrary, to have been found in England and Wales after the commencement of section 4.
- (9) This section has effect subject to section 8B.
- (10) In this section “investigation” means an investigation under section 26 of the Coroners and Justice Act 2009.
- (11) In its application to Northern Ireland this section has effect as if—
- (a) in subsection (1), for “Coroner for Treasure” there were substituted “coroner for the district in which the object is located”;
  - (b) in subsection (3)(b), for “investigation” there were substituted “inquest”;
  - (c) in subsection (4)(a), for “51 weeks” there were substituted “three months”;
  - (d) in subsection (5), for “Coroner for Treasure” there were substituted “coroner”;
  - (e) in subsection (6), for the words from “Coroner for Treasure” to “Assistant Coroner for Treasure” there were substituted “coroner for a district is vacant, the person acting as coroner for that district is the coroner for the purposes of subsection (1)”;
  - (f) in subsection (8), for “investigation” there were substituted “inquest” and for “England and Wales” there were substituted “Northern Ireland”;
  - (g) in subsection (10), for ““investigation” means an investigation under section 26 of the Coroners and Justice Act 2009” there were substituted ““inquest” means an inquest held under section 7”.”
- (2) In section 10 of that Act (rewards), in subsection (5) (persons to whom reward may be paid), at the end insert—
- “(d) any person who gave notice under section 8A in respect of the treasure.”



- (3) In relation to an offence under section 8A of that Act (inserted by subsection (1) above) committed before the commencement of section 280(2) of the [Criminal Justice Act 2003 \(c. 44\)](#), a reference in the inserted section to 51 weeks is to be read as a reference to three months.

### **31 Code of practice under the Treasure Act 1996**

- (1) A code of practice under section 11 of the [Treasure Act 1996 \(c. 24\)](#) may make provision to do with objects in respect of which notice is given under section 29(1) or (2).
- (2) No civil liability on the part of the Coroner for Treasure arises where he or she delivers an object, or takes any other action, in accordance with a code of practice under section 11 of the [Treasure Act 1996](#).

## **CHAPTER 5**

### **FURTHER PROVISION TO DO WITH INVESTIGATIONS AND DEATHS**

### **32 Powers of coroners**

Schedule 5 makes provision about powers of senior coroners and the Coroner for Treasure.

### **33 Offences**

Schedule 6 makes provision about offences relating to jurors, witnesses and evidence.

### **34 Allowances, fees and expenses**

Schedule 7 makes provision about allowances, fees and expenses.

## **CHAPTER 6**

### **GOVERNANCE ETC**

### **35 Chief Coroner and Deputy Chief Coroners**

- (1) Schedule 8 makes provision about the appointment etc of the Chief Coroner and Deputy Chief Coroners.
- (2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the [Constitutional Reform Act 2005 \(c. 4\)](#)) to exercise any of the functions of the Lord Chief Justice under Schedule 8.

### **36 Reports and advice to the Lord Chancellor from the Chief Coroner**

- (1) The Chief Coroner must give the Lord Chancellor a report for each calendar year.
- (2) The report must cover—

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- (a) matters that the Chief Coroner wishes to bring to the attention of the Lord Chancellor;
  - (b) matters that the Lord Chancellor has asked the Chief Coroner to cover in the report.
- (3) The report must contain an assessment for the year of the consistency of standards between coroners areas.
- (4) The report must also contain a summary for the year of—
- (a) the number and length of—
    - (i) investigations in respect of which notification was given under subsection (1)(a) or (b) of section 16, and
    - (ii) investigations that were not concluded or discontinued by the end of the year and in respect of which notification was given under subsection (1)(a) of that section in a previous year,
 as well as the reasons for the length of those investigations and the measures taken with a view to keeping them from being unnecessarily lengthy;
  - (b) the number, nature and outcome of appeals under section 40(1), (3), (4), (5) or (9);
  - (c) the matters recorded under paragraph 4 of Schedule 5;
  - (d) the matters reported under paragraph 7 of that Schedule and the responses given under sub-paragraph (2) of that paragraph.
- (5) A report for a year under this section must be given to the Lord Chancellor by 1 July in the following year.
- (6) The Lord Chancellor must publish each report given under this section and must lay a copy of it before each House of Parliament.
- (7) If requested to do so by the Lord Chancellor, the Chief Coroner must give advice to the Lord Chancellor about particular matters relating to the operation of the coroner system.

### **37 Regulations about training**

- (1) The Chief Coroner may, with the agreement of the Lord Chancellor, make regulations about the training of—
- (a) senior coroners, area coroners and assistant coroners;
  - (b) the Coroner for Treasure and Assistant Coroners for Treasure;
  - (c) coroners' officers and other staff assisting persons within paragraph (a) or (b).
- (2) The regulations may (in particular) make provision as to—
- (a) the kind of training to be undertaken;
  - (b) the amount of training to be undertaken;
  - (c) the frequency with which it is to be undertaken.

### **38 Medical Adviser and Deputy Medical Advisers to the Chief Coroner**

Schedule 9 makes provision about the appointment etc of the Medical Adviser to the Chief Coroner and Deputy Medical Advisers to the Chief Coroner.

### **39 Inspection of coroner system**

- (1) It is the duty of inspectors of court administration appointed under section 58(1) of the [Courts Act 2003 \(c. 39\)](#) (“the 2003 Act”) to inspect and report to the Lord Chancellor on the operation of the coroner system.
- (2) Subsection (1) is not to be read as enabling the inspectors—
  - (a) to inspect persons making judicial decisions or exercising any judicial discretion;
  - (b) to inspect the Chief Coroner or a Deputy Chief Coroner carrying out any functions as such.
- (3) The Chief Inspector appointed under section 58(3) of the 2003 Act must report to the Lord Chancellor on any matter connected with the operation of the coroner system that the Lord Chancellor refers to the Chief Inspector.
- (4) An inspector exercising functions under subsection (1) may—
  - (a) enter any place of work occupied by a senior coroner or the Coroner for Treasure or by an officer or member of staff provided for a senior coroner or the Coroner for Treasure;
  - (b) inspect and take copies of any records kept by any of those persons that relate to the operation of the coroner system and are considered by the inspector to be relevant to the discharge of his or her functions.

Paragraph 1(3) of Schedule 10 (under which a reference to a senior coroner may include the Chief Coroner) does not apply for the purposes of paragraph (a).
- (5) Subsection (4)(a) does not entitle an inspector—
  - (a) to be present during an inquest, or a part of an inquest, from which people have been excluded by a direction given by virtue of section 45(3);
  - (b) to attend any private deliberations of persons having jurisdiction to make any determination or finding.
- (6) Section 61(4) and (5) of the 2003 Act (records kept on computers) applies to inspections under subsection (4)(b) above as it applies to inspections under section 61(2) of that Act (power to inspect court support system records).
- (7) The powers conferred by subsection (4) or by virtue of subsection (6) may be exercised at reasonable times only.
- (8) If a report under subsection (1) or (3) recommends the taking of any action by a senior coroner or the Coroner for Treasure, the Lord Chancellor may give a direction requiring the coroner to take the action within a period specified in the direction.

### **40 Appeals to the Chief Coroner**

- (1) An interested person may appeal to the Chief Coroner against a decision made by a senior coroner that falls within subsection (2).
- (2) The decisions that fall within this subsection are—
  - (a) a decision whether to conduct an investigation under this Part into a person’s death;
  - (b) a decision whether to discontinue an investigation under section 4;
  - (c) a decision whether to resume, under Part 2 of Schedule 1, an investigation suspended under Part 1 of that Schedule;

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- (d) a decision not to request a post-mortem examination under section 14;
  - (e) a decision to request a post-mortem examination under that section of a body that has already been the subject of a post-mortem examination, unless the decision is to request an examination of a different kind from the one already carried out;
  - (f) a decision to give a notice under paragraph 1 of Schedule 5;
  - (g) a decision whether there should be a jury at an inquest;
  - (h) a decision whether to exercise a power conferred by virtue of section 45(3)(a) to exclude persons from all or part of an inquest;
  - (i) a decision embodied in a determination as to the questions mentioned in section 5(1)(a) and (b) (read with section 5(2) where applicable);
  - (j) a decision embodied in a finding as to the particulars required by the 1953 Act to be registered concerning a death.
- (3) An interested person may appeal to the Chief Coroner against a decision made by the Coroner for Treasure (or an Assistant Coroner for Treasure) in connection with—
- (a) an object that is or may be treasure or treasure trove, or
  - (b) an investigation or inquest under Chapter 4 concerning such an object,
- including a decision embodied in the determination of a question mentioned in section 26(5)(a) or (b).
- (4) An interested person may appeal to the Chief Coroner against a failure to make—
- (a) a decision that falls within subsection (2), or
  - (b) a decision of a kind mentioned in subsection (3).
- (5) A person who the coroner decides is not an interested person may appeal to the Chief Coroner against that decision.
- (6) The Lord Chancellor may by order amend subsection (2).
- (7) On an appeal under this section the Chief Coroner may consider evidence about any matter that appears to be relevant to the substance of the decision, determination or finding, including evidence that concerns a matter arising after the date of the decision, determination or finding.
- (8) On an appeal under this section the Chief Coroner may, if the appeal is allowed, do one or more of the following—
- (a) in the case of an appeal against a decision embodied in a determination or finding—
    - (i) amend the determination or finding, or
    - (ii) quash the determination or finding and order a fresh investigation under this Part;
  - (b) in the case of an appeal against a decision not embodied in a determination or finding—
    - (i) substitute any other decision that could have been made, or
    - (ii) quash the decision and remit the matter for a fresh decision;
  - (c) in the case of an appeal against a failure to make a decision—
    - (i) make any decision that could have been made, or
    - (ii) remit the matter for a decision to be made;
  - (d) make any order (including an order as to costs) that the Chief Coroner thinks appropriate.

- (9) A party to an appeal under this section may appeal on a question of law to the Court of Appeal from a decision of the Chief Coroner.
- (10) On an appeal under subsection (9) the Court of Appeal may—
- (a) affirm the decision;
  - (b) substitute for the decision any decision that the Chief Coroner could have made;
  - (c) quash the decision and remit the matter to the Chief Coroner for a fresh decision.

#### **41 Investigation by Chief Coroner or Coroner for Treasure or by judge, former judge or former coroner**

Schedule 10 makes provision for an investigation into a person's death to be carried out by the Chief Coroner or the Coroner for Treasure or by a judge, former judge or former coroner.

#### **42 Guidance by the Lord Chancellor**

- (1) The Lord Chancellor may issue guidance about the way in which the coroner system is expected to operate in relation to interested persons within section 47(2)(a).
- (2) Guidance issued under this section may include provision—
- (a) about the way in which such persons are able to participate in investigations under this Part into deaths;
  - (b) about the rights of such persons to appeal under section 40;
  - (c) about the role of coroners' officers and other staff in helping such persons to participate in investigations and to exercise rights of appeal.

This subsection is not to be read as limiting the power in subsection (1).

- (3) The Lord Chancellor may amend or revoke any guidance issued under this section.
- (4) The Lord Chancellor must consult the Chief Coroner before issuing, amending or revoking any guidance under this section.

### **CHAPTER 7**

#### **SUPPLEMENTARY**

##### *Regulations and rules*

#### **43 Coroners regulations**

- (1) The Lord Chancellor may make regulations—
- (a) for regulating the practice and procedure at or in connection with investigations under this Part (other than the practice and procedure at or in connection with inquests);
  - (b) for regulating the practice and procedure at or in connection with examinations under section 14;

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- (c) for regulating the practice and procedure at or in connection with exhumations under paragraph 6 of Schedule 5.

Regulations under this section are referred to in this Part as “Coroners regulations”.

- (2) Coroners regulations may be made only if—
  - (a) the Lord Chief Justice, or
  - (b) a judicial office holder (as defined in section 109(4) of the [Constitutional Reform Act 2005 \(c. 4\)](#)) nominated for the purposes of this subsection by the Lord Chief Justice,

agrees to the making of the regulations.

- (3) Coroners regulations may make—
  - (a) provision for the discharge of an investigation (including provision as to fresh investigations following discharge);
  - (b) provision for or in connection with the suspension or resumption of investigations;
  - (c) provision for the delegation by a senior coroner, area coroner or assistant coroner of any of his or her functions;
  - (d) provision allowing information to be disclosed or requiring information to be given;
  - (e) provision giving to the Lord Chancellor or the Chief Coroner power to require information from senior coroners;
  - (f) provision requiring a summary of specified information given to the Chief Coroner by virtue of paragraph (e) to be included in reports under section 36;
  - (g) provision with respect to the preservation, retention, release or disposal of bodies (including provision with respect to reinterment and with respect to the issue of orders authorising burial);
  - (h) provision, in relation to authorisations under paragraph 3 of Schedule 5 or entry and search under such authorisations, equivalent to that made by any provision of sections 15 and 16 of the [Police and Criminal Evidence Act 1984 \(c. 60\)](#), subject to any modifications the Lord Chancellor thinks appropriate;
  - (i) provision, in relation to the power of seizure conferred by paragraph 3(4)(a) of that Schedule, equivalent to that made by any provision of section 21 of that Act, subject to any modifications the Lord Chancellor thinks appropriate;
  - (j) provision about reports under paragraph 7 of that Schedule.

This subsection is not to be read as limiting the power in subsection (1).

- (4) Coroners regulations may apply any provisions of Coroners rules.
- (5) Where Coroners regulations apply any provisions of Coroners rules, those provisions—
  - (a) may be applied to any extent;
  - (b) may be applied with or without modifications;
  - (c) may be applied as amended from time to time.

#### 44 **Treasure regulations**

- (1) The Lord Chancellor may make regulations for regulating the practice and procedure at or in connection with investigations under this Part concerning objects that are or may be treasure or treasure trove (other than the practice and procedure at or in connection with inquests concerning such objects).

Regulations under this section are referred to in this Part as “Treasure regulations”.

- (2) Treasure regulations may be made only if—
- (a) the Lord Chief Justice, or
  - (b) a judicial office holder (as defined in section 109(4) of the [Constitutional Reform Act 2005 \(c. 4\)](#)) nominated for the purposes of this subsection by the Lord Chief Justice,
- agrees to the making of the regulations.
- (3) Treasure regulations may make—
- (a) provision for the discharge of an investigation (including provision as to fresh investigations following discharge);
  - (b) provision for or in connection with the suspension or resumption of investigations;
  - (c) provision for the delegation by the Coroner for Treasure (or an Assistant Coroner for Treasure) of any of his or her functions;
  - (d) provision allowing information to be disclosed or requiring information to be given;
  - (e) provision giving to the Lord Chancellor or the Chief Coroner power to require information from the Coroner for Treasure;
  - (f) provision requiring a summary of specified information given to the Chief Coroner by virtue of paragraph (e) to be included in reports under section 36;
  - (g) provision of the kind mentioned in paragraph (h) or (i) of section 43(3).
- This subsection is not to be read as limiting the power in subsection (1).
- (4) Treasure regulations may apply any provisions of Coroners rules.
- (5) Where Treasure regulations apply any provisions of Coroners rules, those provisions—
- (a) may be applied to any extent;
  - (b) may be applied with or without modifications;
  - (c) may be applied as amended from time to time.

## 45 Coroners rules

- (1) Rules may be made in accordance with Part 1 of Schedule 1 to the [Constitutional Reform Act 2005 \(c. 4\)](#)—
- (a) for regulating the practice and procedure at or in connection with inquests;
  - (b) as to the way in which, and the time within which, appeals under section 40(1), (3), (4), (5) or (9) are to be brought;
  - (c) for regulating the practice and procedure at or in connection with appeals under that section.

Rules under this section are referred to in this Part as “Coroners rules”.

- (2) Coroners rules may make—
- (a) provision about evidence (including provision requiring evidence to be given on oath except in prescribed cases);
  - (b) provision for the discharge of a jury (including provision as to the summoning of new juries following discharge);

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- (c) provision for the discharge of an inquest (including provision as to fresh inquests following discharge);
  - (d) provision for or in connection with the adjournment or resumption of inquests;
  - (e) provision for a senior coroner to have power to give a direction, in proceedings at an inquest, allowing or requiring a name or other matter not to be disclosed except to persons specified in the direction;
  - (f) provision for the delegation by—
    - (i) a senior coroner, area coroner or assistant coroner, or
    - (ii) the Coroner for Treasure (or an Assistant Coroner for Treasure),of any of his or her functions, except for functions that involve making judicial decisions or exercising any judicial discretion;
  - (g) provision with respect to the disclosure of information;
  - (h) provision for persons to be excused from service as jurors at inquests in cases specified in the rules;
  - (i) provision as to the matters to be taken into account by the Coroner for Treasure in deciding whether to hold an inquest concerning an object that is or may be treasure or treasure trove;
  - (j) provision for requiring permission to be given for the making of an appeal to the Court of Appeal under any provision of this Part.
- (3) Coroners rules may make provision conferring power on a senior coroner or the Coroner for Treasure—
- (a) to give a direction excluding specified persons from an inquest, or part of an inquest, if the coroner is of the opinion that the interests of national security so require;
  - (b) to give a direction excluding specified persons from an inquest during the giving of evidence by a witness under the age of 18, if the coroner is of the opinion that doing so would be likely to improve the quality of the witness's evidence.
- In this subsection “specified persons” means persons of a description specified in the direction, or all persons except those of a description specified in the direction.
- (4) Subsections (2) and (3) are not to be read as limiting the power in subsection (1).
- (5) Coroners rules may apply—
- (a) any provisions of Coroners regulations;
  - (b) any provisions of Treasure regulations;
  - (c) any rules of court that relate to proceedings other than inquests.
- (6) Where any provisions or rules are applied by virtue of subsection (5), they may be applied—
- (a) to any extent;
  - (b) with or without modifications;
  - (c) as amended from time to time.
- (7) Practice directions may be given in accordance with Part 1 of Schedule 2 to the [Constitutional Reform Act 2005 \(c. 4\)](#) on any matter that could otherwise be included in Coroners rules.
- (8) Coroners rules may, instead of providing for a matter, refer to provision made or to be made by practice directions under subsection (7).



- (9) In this section “rules of court” include any provision governing the practice and procedure of a court that is made by or under an enactment.

*Coroner of the Queen’s household*

**46 Abolition of the office of coroner of the Queen’s household**

The office of coroner of the Queen’s household is abolished.

*Interpretation*

**47 “Interested person”**

- (1) This section applies for the purposes of this Part.
- (2) “Interested person”, in relation to a deceased person or an investigation or inquest under this Part into a person’s death, means—
- (a) a spouse, civil partner, partner, parent, child, brother, sister, grandparent, grandchild, child of a brother or sister, stepfather, stepmother, half-brother or half-sister;
  - (b) a personal representative of the deceased;
  - (c) a medical examiner exercising functions in relation to the death of the deceased;
  - (d) a beneficiary under a policy of insurance issued on the life of the deceased;
  - (e) the insurer who issued such a policy of insurance;
  - (f) a person who may by any act or omission have caused or contributed to the death of the deceased, or whose employee or agent may have done so;
  - (g) in a case where the death may have been caused by—
    - (i) an injury received in the course of an employment, or
    - (ii) a disease prescribed under section 108 of the [Social Security Contributions and Benefits Act 1992 \(c. 4\)](#) (benefit in respect of prescribed industrial diseases, etc),  
a representative of a trade union of which the deceased was a member at the time of death;
  - (h) a person appointed by, or representative of, an enforcing authority;
    - (i) where subsection (3) applies, a chief constable;
    - (j) where subsection (4) applies, a Provost Marshal;
  - (k) where subsection (5) applies, the Independent Police Complaints Commission;
  - (l) a person appointed by a Government department to attend an inquest into the death or to assist in, or provide evidence for the purposes of, an investigation into the death under this Part;
  - (m) any other person who the senior coroner thinks has a sufficient interest.
- (3) This subsection applies where it appears that a person has or may have committed—
- (a) a homicide offence involving the death of the deceased, or
  - (b) a related offence (other than a service offence).
- (4) This subsection applies where it appears that a person has or may have committed—

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- (a) the service equivalent of a homicide offence involving the death of the deceased, or
  - (b) a service offence that is a related offence.
- (5) This subsection applies where the death of the deceased is or has been the subject of an investigation managed or carried out by the Independent Police Complaints Commission in accordance with Part 3 of Schedule 3 to the [Police Reform Act 2002 \(c. 30\)](#), including that Part as extended or applied by or under any statutory provision (whenever made).
- (6) “Interested person”, in relation to an object that is or may be treasure or treasure trove, or an investigation or inquest under Chapter 4 concerning such an object, means—
- (a) the British Museum, if the object was found or is believed to have been found in England;
  - (b) the National Museum of Wales, if the object was found or is believed to have been found in Wales;
  - (c) the finder of the object or any person otherwise involved in the find;
  - (d) the occupier, at the time the object was found, of the land where it was found or is believed to have been found;
  - (e) a person who had an interest in that land at that time or who has had such an interest since;
  - (f) any other person who the Coroner for Treasure thinks has a sufficient interest.
- (7) For the purposes of this section, a person is the partner of a deceased person if the two of them (whether of different sexes or the same sex) were living as partners in an enduring relationship at the time of the deceased person’s death.

#### **48 Interpretation: general**

- (1) In this Part, unless the context otherwise requires—
- “the 1953 Act” means the [Births and Deaths Registration Act 1953 \(c. 20\)](#);
  - “the 1988 Act” means the [Coroners Act 1988 \(c. 13\)](#);
  - “active service” means service in—
    - (a) an action or operation against an enemy (within the meaning given by section 374 of the [Armed Forces Act 2006 \(c. 52\)](#)),
    - (b) an operation outside the British Islands for the protection of life or property, or
    - (c) the military occupation of a foreign country or territory;
  - “area”, in relation to a senior coroner, area coroner or assistant coroner, means the coroner area for which that coroner is appointed;
  - “area coroner” means a person appointed under paragraph 2(3) of Schedule 3;
  - “assistant coroner” means a person appointed under paragraph 2(4) of Schedule 3;
  - “Assistant Coroner for Treasure” means an assistant coroner, designated under paragraph 7 of Schedule 4, acting in the capacity of Assistant Coroner for Treasure;
  - “body” includes body parts;
  - “chief constable” means—

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- (a) a chief officer of police (within the meaning given in section 101(1) of the [Police Act 1996 \(c. 16\)](#));
- (b) the Chief Constable of the Ministry of Defence Police;
- (c) the Chief Constable of the Civil Nuclear Constabulary;
- (d) the Chief Constable of the British Transport Police;

“the Chief Coroner” means a person appointed under paragraph 1 of Schedule 8;

“the Common Council” means the Common Council of the City of London, and “common councillor” is to be read accordingly;

“coroner area” is to be read in accordance with paragraph 1 of Schedule 2;

“the Coroner for Treasure” means a person appointed under paragraph 1 of Schedule 4;

“Coroners regulations” means regulations under section 43;

“Coroners rules” means rules under section 45;

“the coroner system” means the system of law and administration relating to investigations and inquests under this Part;

“the court of trial” means—

- (a) in relation to an offence (other than a service offence) that is tried summarily, the magistrates’ court by which the offence is tried;
- (b) in relation to an offence tried on indictment, the Crown Court;
- (c) in relation to a service offence, a commanding officer, a Court Martial or the Service Civilian Court (depending on the person before whom, or court before which, it is tried);

“Deputy Chief Coroner” means a person appointed under paragraph 2 of Schedule 8;

“document” includes information stored in an electronic form;

“enforcing authority” has the meaning given by section 18(7) of the [Health and Safety at Work etc. Act 1974 \(c. 37\)](#);

“functions” includes powers and duties;

“homicide offence” has the meaning given in paragraph 1(6) of Schedule 1;

“interested person” is to be read in accordance with section 47;

“land” includes premises within the meaning of the [Police and Criminal Evidence Act 1984 \(c. 60\)](#);

“local authority” means—

- (a) in relation to England, a county council, the council of any district comprised in an area for which there is no county council, a London borough council, the Common Council or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council;

“medical examiner” means a person appointed under section 19;

“person”, in relation to an offence of corporate manslaughter, includes an organisation;

“prosecuting authority” means—

- (a) the Director of Public Prosecutions, or
- (b) a person of a description prescribed by an order made by the Lord Chancellor;

“related offence” has the meaning given in paragraph 1(6) of Schedule 1;

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“relevant authority”, in relation to a coroner area, has the meaning given by paragraph 3 of Schedule 2 (and see paragraph 2 of Schedule 22);

“senior coroner” means a person appointed under paragraph 1 of Schedule 3;

“the service equivalent of a homicide offence” has the meaning given in paragraph 1(6) of Schedule 1;

“service offence” has the meaning given by section 50(2) of the [Armed Forces Act 2006 \(c. 52\)](#) (read without regard to any order under section 380 of that Act) and also includes an offence under—

- (a) Part 2 of the [Army Act 1955 \(3 & 4 Eliz. 2 c. 18\)](#) or paragraph 4(6) of Schedule 5A to that Act,
- (b) Part 2 of the [Air Force Act 1955 \(3 & 4 Eliz. 2 c. 19\)](#) or paragraph 4(6) of Schedule 5A to that Act, or
- (c) Part 1 or section 47K of the [Naval Discipline Act 1957 \(c. 53\)](#) or paragraph 4(6) of Schedule 4A to that Act;

“service police force” means—

- (a) the Royal Navy Police,
- (b) the Royal Military Police, or
- (c) the Royal Air Force Police;

“state detention” has the meaning given by subsection (2);

“statutory provision” means provision contained in, or in an instrument made under, any Act (including this Act);

“treasure” means anything that is treasure for the purposes of the [Treasure Act 1996 \(c. 24\)](#) (and accordingly does not include anything found before 24 September 1997);

“Treasure regulations” means regulations under section 44;

“treasure trove” does not include anything found on or after 24 September 1997.

- (2) A person is in state detention if he or she is compulsorily detained by a public authority within the meaning of section 6 of the [Human Rights Act 1998 \(c. 42\)](#).
- (3) For the purposes of this Part, the area of the Common Council is to be treated as including the Inner Temple and the Middle Temple.
- (4) A reference in this Part to a coroner who is responsible for conducting an investigation under this Part into a person’s death is to be read as a reference to the coroner who is under a duty to conduct the investigation, or who would be under such a duty but for the suspension of the investigation under this Part.
- (5) A reference in this Part to producing or providing a document, in relation to information stored in an electronic form, is to be read as a reference to producing or providing a copy of the information in a legible form.

#### *Northern Ireland and Scotland amendments*

### **49 Amendments to the Coroners Act (Northern Ireland) 1959**

- (1) In section 13 of the Coroners Act (Northern Ireland) [1959 \(c. 15\)](#) (coroner may hold inquest), in subsection (1), for the words from “a coroner within whose district” to “an unexpected or unexplained death” substitute “a coroner—

- (a) who is informed that the body of a deceased person is lying within his district;  
or
  - (b) in whose district an unexpected or unexplained death”.
- (2) Schedule 11 inserts provisions into the Coroners Act (Northern Ireland) 1959 corresponding to certain provisions in Schedules 5 and 6.

**50 Amendments to the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976**

- (1) The [Fatal Accidents and Sudden Deaths Inquiry \(Scotland\) Act 1976 \(c. 14\)](#) is amended as follows.
- (2) After section 1 insert—

**“1A Death of service personnel abroad**

- (1) Subsection (4) applies where—
- (a) the Lord Advocate is notified under section 12(4) or (5) of the Coroners and Justice Act 2009 in relation to a death,
  - (b) the death is within subsection (2) or (3), and
  - (c) the Lord Advocate—
    - (i) decides that it would be appropriate in the public interest for an inquiry under this Act to be held into the circumstances of the death, and
    - (ii) does not reverse that decision.
- (2) A death is within this subsection if the person who has died was, at the time of the death, in legal custody (as construed by reference to section 1(4)).
- (3) A death is within this subsection if it appears to the Lord Advocate that the death—
- (a) was sudden, suspicious or unexplained, or
  - (b) occurred in circumstances such as to give rise to serious public concern.
- (4) The procurator fiscal for the appropriate district must—
- (a) investigate the circumstances of the death, and
  - (b) apply to the sheriff for the holding of an inquiry under this Act into those circumstances.
- (5) But subsection (4) does not extend to a death within subsection (2) if the Lord Advocate is satisfied that the circumstances of the death have been sufficiently established in the course of any criminal proceedings against any person in respect of the death.
- (6) An application under subsection (4)(b)—
- (a) is to be made to the sheriff of the appropriate sheriffdom,
  - (b) must narrate briefly the circumstances of the death so far as known to the procurator fiscal,
  - (c) may relate to more than one death if the deaths occurred in the same or similar circumstances.

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- (7) It is for the Lord Advocate to determine the appropriate district and appropriate sheriffdom for the purposes of subsections (4) and (6)(a).”
- (3) In section 2 (citation of witnesses for precognition), in subsection (1), after “section 1(1)” insert “or 1A(4)”.
- (4) In section 3 (holding of public inquiry), in subsections (1) and (3), after “section 1” insert “or 1A”.
- (5) In section 6 (sheriff’s determination etc), in subsection (4)(a)(i), after “section 1” insert “or 1A”.

*Amendments of Access to Justice Act 1999*

**51 Public funding for advocacy at certain inquests**

- (1) Schedule 2 to the [Access to Justice Act 1999 \(c. 22\)](#) (Community Legal Service: excluded cases) is amended as follows.
- (2) In paragraph 2, at the end insert “, and
- (5) proceedings at an inquest under Part 1 of the Coroners and Justice Act 2009 to which sub-paragraph (1), (2) or (3) of paragraph 4 applies.”
- (3) After paragraph 3 there is inserted—
- “4 (1) This sub-paragraph applies to an inquest into the death of a person who at the time of the death—
- (a) was detained at a custodial institution or in a custody area at a court or police station,
- (b) was detained at a removal centre or short-term holding centre,
- (c) was being transferred or held in pursuance of prison escort arrangements or immigration escort arrangements,
- (d) was detained in secure accommodation,
- (e) was a detained patient, or
- (f) was in service custody.
- (2) This sub-paragraph applies to an inquest into the death of a person that occurred in the course of the person’s arrest by a constable or otherwise in the course of the execution or purported execution of any functions by a constable.
- (3) This sub-paragraph applies to an inquest into the death of a person who at the time of the death was subject to service law by virtue of section 367 or 369(2)(a) of the Armed Forces Act 2006 and was engaged in active service.
- (4) Paragraph 2(5) does not authorise the funding of the provision of services to anyone who is not an interested person within section 47(2)(a) of the Coroners and Justice Act 2009.
- (5) In this paragraph—
- “active service” means service in—

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- (a) an action or operation against an enemy (within the meaning given by section 374 of the Armed Forces Act 2006),
  - (b) an operation outside the British Islands for the protection of life or property, or
  - (c) the military occupation of a foreign country or territory;
- “custodial institution” means a prison, a young offender institution, a secure training centre or a remand centre;
- “detained patient” means a person who is detained in any premises under Part 2 or 3 or section 135(3B) or 136(4) of the Mental Health Act 1983;
- “immigration escort arrangements” means arrangements made under section 156 of the Immigration and Asylum Act 1999;
- “prison escort arrangements” means arrangements made under section 80 of the Criminal Justice Act 1991 or under section 102 or 118 of the Criminal Justice and Public Order Act 1994;
- “removal centre” and “short-term holding facility” have the meaning given by section 147 of the Immigration and Asylum Act 1999;
- “secure accommodation” means accommodation, not consisting of or forming part of a custodial institution, provided for the purpose of restricting the liberty of persons under the age of 18.”