



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 1 **E+W+N.I.**

CORONERS ETC

CHAPTER 1 **E+W**

INVESTIGATIONS INTO DEATHS

Duty to investigate

1 **Duty to investigate certain deaths** **E+W**

- (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.

Commencement Information

II S. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

Investigation by other coroner

2 Request for other coroner to conduct investigation **E+W**

- (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.

Commencement Information

I2 S. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

3 Direction for other coroner to conduct investigation **E+W**

- (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.

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- (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.
- (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.

Commencement Information

I3 S. 3 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

Discontinuance of investigation

4 Discontinuance where cause of death [F¹ becomes clear before inquest] E+W

- (1) A senior coroner who is responsible for conducting an investigation under this Part into a person's death must discontinue the investigation if—
 - [F²(a) the coroner is satisfied that the cause of death has become clear in the course of the investigation,
 - (aa) an inquest into the death has not yet begun, 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.

Textual Amendments

F1 Words in s. 4 heading substituted (28.6.2022) by Judicial Review and Courts Act 2022 (c. 35), ss. 39(2), 51(3)

F2 S. 4(1)(a)(aa) substituted for s. 4(1)(a) (28.6.2022) by Judicial Review and Courts Act 2022 (c. 35), ss. 39(3), 51(3)

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Commencement Information

I4 S. 4 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

Purpose of investigation

5 Matters to be ascertained **E+W**

- (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.

Commencement Information

I5 S. 5 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

Inquests

6 Duty to hold inquest **E+W**

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).

Commencement Information

I6 S. 6 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

7 Whether jury required **E+W**

- (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—

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- (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).

[^{F3}(5) But COVID-19 is not a notifiable disease for the purposes of subsection (2)(c).]

Textual Amendments

F3 S. 7(5) inserted (temp.) (28.6.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 42(1), 51(3)** (with s. 42(2)-(10))

Modifications etc. (not altering text)

C1 S. 7(2)(c) modified (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), **ss. 30(1), 87(1)** (with **ss. 30(2), 88-90**) (which affecting provision is continued by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\)](#) (England and Wales and Northern Ireland) [Regulations 2022 \(S.I. 2022/362\)](#), **regs. 1(2), 2**; but then omitted (28.6.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 42(11), 51(3)** (with s. 42(12))

Commencement Information

I7 S. 7 in force at 25.7.2013 by [S.I. 2013/1869](#), **art. 2(a)**

8 Assembling a jury **E+W**

- (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.

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- (4) Only a person who is qualified to serve as a juror in the Crown Court, the High Court and the [F⁴county court], 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.

Textual Amendments

- F4** Words in s. 8(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 73](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

Commencement Information

- I8** S. 8 in force at 25.7.2013 by [S.I. 2013/1869, art. 2\(a\)](#)

9 Determinations and findings by jury **E+W**

- (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.

Commencement Information

- I9** S. 9 in force at 25.7.2013 by [S.I. 2013/1869, art. 2\(a\)](#)

[F⁵9A Surrender of electronic communications devices by jurors **E+W**

- (1) A senior coroner holding an inquest with a jury may order the members of the jury to surrender any electronic communications devices for a period.
- (2) An order may be made only if the senior coroner considers that—
 - (a) the order is necessary or expedient in the interests of justice, and
 - (b) the terms of the order are a proportionate means of safeguarding those interests.
- (3) An order may only specify a period during which the members of the jury are—
 - (a) in the building in which the inquest is being heard,

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- (b) in other accommodation provided at the senior coroner's request,
 - (c) visiting a place in accordance with arrangements made for the purposes of the inquest, or
 - (d) travelling to or from a place mentioned in paragraph (b) or (c).
- (4) An order may be made subject to exceptions.
- (5) It is a contempt of court for a member of a jury to fail to surrender an electronic communications device in accordance with an order under this section.
- (6) Proceedings for a contempt of court under this section may only be instituted on the motion of a senior coroner having jurisdiction to deal with it.
- (7) In this section, “electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003).

Textual Amendments

F5 Ss. 9A, 9B inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 13 para. 1](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 79](#)

9B Surrender of electronic communications devices: powers of search etc E+W

- (1) This section applies where an order has been made under section 9A in respect of the members of a jury.
- (2) A coroners' officer must, if ordered to do so by a senior coroner, search a member of the jury in order to determine whether the juror has failed to surrender an electronic communications device in accordance with the order.
- (3) Subsection (2) does not authorise the officer to require a person to remove clothing other than a coat, jacket, headgear, gloves or footwear.
- (4) If the search reveals a device which is required by the order to be surrendered—
- (a) the officer must ask the juror to surrender the device, and
 - (b) if the juror refuses to do so, the officer may seize it.
- (5) Subject to subsection (6), a coroners' officer may retain an article which was surrendered or seized under subsection (4) until the end of the period specified in the order.
- (6) If a coroners' officer reasonably believes that the device may be evidence of, or in relation to, an offence, the officer may retain it until the later of—
- (a) the end of the period specified in the order, and
 - (b) the end of such period as will enable the officer to draw it to the attention of a constable.
- (7) A coroners' officer may not retain a device under subsection (6)(b) for a period of more than 24 hours from the time when it was surrendered or seized.
- (8) The Lord Chancellor may by regulations make provision as to—

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- (a) the provision of written information about coroners' officers' powers of retention to persons by whom devices have been surrendered, or from whom devices have been seized, under this section,
 - (b) the keeping of records about devices which have been surrendered or seized under this section,
 - (c) the period for which unclaimed devices have to be kept, and
 - (d) the disposal of unclaimed devices at the end of that period.
- (9) In this section—
- “electronic communications device” has the same meaning as in section 9A;
 - “unclaimed device” means a device retained under this section which has not been returned and whose return has not been requested by a person entitled to it.]

Textual Amendments

F5 Ss. 9A, 9B inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 13 para. 1](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 79](#)

[^{F6}9C **Inquests without jury to be conducted at hearing or in writing** **E+W**

- (1) Where an inquest into a death is to be held without a jury, the inquest is to be held—
- (a) at a hearing, or
 - (b) if the senior coroner decides that a hearing is unnecessary, in writing.
- (2) The senior coroner is not to decide that a hearing is unnecessary unless—
- (a) the coroner has invited representations from each interested person known to the coroner,
 - (b) no interested person has represented on reasonable grounds that a hearing should take place,
 - (c) it appears to the coroner that there is no real prospect of disagreement among interested persons as to the determinations or findings that the inquest could or should make, and
 - (d) it appears to the coroner that no public interest would be served by a hearing.]

Textual Amendments

F6 [S. 9C](#) inserted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 40\(2\)](#), [51\(3\)](#)

Outcome of investigation

10 **Determinations and findings to be made** **E+W**

- (1) After [^{F7}considering the evidence given to] 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

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- (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.

Textual Amendments

F7 Words in s. 10(1) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 40\(3\), 51\(3\)](#)

Commencement Information

I10 S. 10 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(a\)](#)

Suspension

11 Duty or power to suspend or resume investigations **E+W**

Schedule 1 makes provision about suspension and resumption of investigations.

Commencement Information

I11 S. 11 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(a\)](#)

Death of service personnel abroad

12 Investigation in Scotland **E+W**

- (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.

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(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 [^{F8}Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016],

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.

Textual Amendments

F8 Words in s. 12(4)(b) substituted (15.6.2017) by [The Inquiries into Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1142\)](#), art. 1(2), [Sch. para. 13\(2\)](#) (with art. 7(2)); S.S.I. 2017/155, reg. 2

Commencement Information

I12 S. 12 in force at 24.9.2012 by [S.I. 2012/2374](#), art. 2(a)

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

(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 [^{F9}Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016] 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
- (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.

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Textual Amendments

- F9** Words in s. 13(1)(d) substituted (15.6.2017) by [The Inquiries into Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1142\)](#), art. 1(2), [Sch. para. 13\(3\)](#) (with art. 7(2)); S.S.I. 2017/155, reg. 2

Commencement Information

- I13** S. 13 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(a\)](#)

Ancillary powers of coroners in relation to deaths

14 Post-mortem examinations **E+W**

- (1) A senior coroner may request a suitable practitioner to make a post-mortem examination of a body if—
- the coroner is responsible for conducting an investigation under this Part into the death of the person in question, or
 - 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—
- is a registered medical practitioner, or
 - 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—
- must not make, or assist at, an examination under this section of the body, but
 - 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.

Commencement Information

- I14** S. 14 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(a\)](#)

15 Power to remove body **E+W**

- (1) A senior coroner who—
- is responsible for conducting an investigation under this Part into a person's death, or

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- (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.

Commencement Information

I15 S. 15 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

Miscellaneous

16 Investigations lasting more than a year **E+W**

- (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—
- must notify the Chief Coroner of that fact;
 - 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).

Commencement Information

I16 S. 16 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

17 Monitoring of and training for investigations into deaths of service personnel **E+W**

- (1) The Chief Coroner must—
- monitor investigations under this Part into service deaths;
 - 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—
- active service,

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- (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.

Commencement Information

I17 S. 17 in force at 25.7.2013 by S.I. 2013/1869, art. 2(a)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)