
Changes to legislation: Coroners and Justice Act 2009, Paragraph 2 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

DUTY OR POWER TO SUSPEND OR RESUME INVESTIGATIONS

PART 1

SUSPENSION OF INVESTIGATIONS

Suspension where certain criminal proceedings are brought

- 2 (1) Subject to sub-paragraph (6), a senior coroner must suspend an investigation under this Part of this Act into a person's death in the following cases.
- (2) The first case is where the coroner—
- (a) becomes aware that a person has appeared or been brought before a magistrates' court charged with a homicide offence involving the death of the deceased, or
 - (b) becomes aware that a person has been charged on an indictment with such an offence without having appeared or been brought before a magistrates' court charged with it.
- (3) The second case is where the coroner becomes aware that a person has been charged with the service equivalent of a homicide offence involving the death of the deceased.
- (4) The third case is where a prosecuting authority informs the coroner that a person—
- (a) has appeared or been brought before a magistrates' court charged with an offence (other than a service offence) that is alleged to be a related offence, or
 - (b) has been charged on an indictment with such an offence without having been sent for trial for it,
- and the prosecuting authority requests the coroner to suspend the investigation.
- (5) The fourth case is where the Director of Service Prosecutions informs the coroner that a person has been charged with a service offence that is alleged to be a related offence, and the Director requests the coroner to suspend the investigation.
- (6) The coroner need not suspend the investigation—
- (a) in the first case, if a prosecuting authority informs the coroner that it has no objection to the investigation continuing;
 - (b) in the second case, if the Director of Service Prosecutions informs the coroner that he or she has no objection to the investigation continuing;
 - (c) in any case, if the coroner thinks that there is an exceptional reason for not suspending the investigation.
- (7) In the case of an investigation that is already suspended under paragraph 1—

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- (a) a suspension imposed by virtue of sub-paragraph (2) of that paragraph comes to an end if, in reliance of sub-paragraph (6)(a) above, the coroner decides not to suspend the investigation;
- (b) a suspension imposed by virtue of sub-paragraph (3) of that paragraph comes to an end if, in reliance on sub-paragraph (6)(b) above, the coroner decides not to suspend the investigation;
- (c) a reference above in this paragraph to suspending an investigation is to be read as a reference to continuing the suspension of an investigation;
- (d) if the suspension of the investigation is continued under this paragraph, the investigation is to be treated for the purposes of paragraphs 1(4), 7 and 8 of this Schedule as suspended under this paragraph (and not as suspended under paragraph 1).

Commencement Information

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

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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\(2\)](#)