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## SCHEDULES

### SCHEDULE 21

Section 177

#### MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 25/07/2013

#### PART 1

##### CORONERS ETC

##### *Cremation Act 1902 (c. 8)*

- 1 In section 10 of the Cremation Act 1902 (saving for coroners), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.

##### *Births and Deaths Registration Act 1926 (c. 48)*

- 2 The Births and Deaths Registration Act 1926 is amended as follows.
- 3 In section 4 (prohibition of removal of body out of England without notice), for “the coroner within whose jurisdiction the body is lying” substitute “ the senior coroner in whose area the body is situated, ”.
- 4 In section 5 (burial of still-born children), for the words after “delivered to him” substitute “either—
- (a) a certificate given by the registrar under section 11(2) or (3) of the Births and Deaths Registration Act 1953, or
  - (b) in a case in relation to which a senior coroner has made enquiries under section 1(7) of the Coroners and Justice Act 2009 (or has purported to conduct an investigation under Part 1 of that Act), an order of the coroner.”

##### *Visiting Forces Act 1952 (c. 67)*

- 5 (1) Section 7 of the Visiting Forces Act 1952 (provisions as to coroners' inquests etc) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Subsections (1A) and (1B) of this section apply if a coroner who has jurisdiction to conduct an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death is satisfied that the deceased person, at the time of the death, had a relevant association with a visiting force.

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(1A) If no investigation into the person's death has begun, the coroner shall not begin an investigation unless directed to do so by the Lord Chancellor.

(1B) If an investigation into the person's death has begun but has not been completed, the coroner shall suspend the investigation unless directed not to do so by the Lord Chancellor.”

(3) In subsection (2)—

(a) for the words from “the last” to “a death” substitute “ subsections (1) to (1B) of this section, if in the course of an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death ”,

(b) for “Secretary of State” substitute “ Lord Chancellor ”,

(c) for the words from “adjourn the inquest” to “discharge the jury,” substitute “ suspend the investigation ”, and

(d) for “at the inquest” substitute “ in the course of the investigation ”.

(4) After subsection (2) insert—

“(2A) A coroner who suspends an investigation under this section shall—

(a) adjourn any inquest being held as part of the investigation, and

(b) discharge any jury that has been summoned.

(2B) The suspension of an investigation under this section does not prevent its suspension under Schedule 1 to the Coroners and Justice Act 2009; and *vice versa*.”

(5) For subsection (3) substitute—

“(3) Where an investigation is suspended under this section, the coroner shall not resume it except on the direction of the Lord Chancellor.

(3A) Where the investigation is resumed, the coroner must resume any inquest that was adjourned under subsection (2A).

(3B) A resumed inquest may be held with a jury if the coroner thinks that there is sufficient reason for it to be held with one.”

(6) In subsection (4), for the words from “the Secretary of State” to “to be held” substitute “ the Lord Chancellor under subsection (1A) or (3) of this section, an investigation is required to be conducted ”.

(7) In subsection (5), for “section two of the said Act of 1926” substitute “ section 24 of the Births and Deaths Registration Act 1953 ”.

(8) For subsection (7) substitute—

“(7) In the application of this section to Northern Ireland—

(a) in subsection (1), for “a coroner who has jurisdiction to conduct an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death” there is substituted “ a coroner who has jurisdiction under the Coroners Act (Northern Ireland) 1959 to hold an inquest into a person's death ”;

(b) in subsection (1A), for “no investigation” there is substituted “ no inquest ” and for “an investigation” there is substituted “ an inquest ”;

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- (c) in subsection (1B), for “an investigation” there is substituted “an inquest”, and for “suspend the investigation” there is substituted “adjourn the inquest”;
- (d) in subsection (2)—
  - (i) for “in the course of an investigation under Part 1 of the Coroners and Justice Act 2009” there is substituted “on an inquest”;
  - (ii) for “suspend the investigation” there is substituted “adjourn the inquest”;
  - (iii) for “in the course of the investigation” there is substituted “at the inquest”;
- (e) in subsection (2A), for the words from “suspends an investigation” to the end there is substituted “adjourns an inquest under this section shall discharge any jury that has been summoned”;
- (f) in subsection (3), for “investigation is suspended” there is substituted “inquest is adjourned”;
- (g) subsection (3A) is omitted;
- (h) in subsection (3B), for “A resumed inquest” there is substituted “An inquest resumed under this section”;
- (i) subsections (4) and (5) are omitted.”

*Births and Deaths Registration Act 1953 (c. 20)*

6 The Births and Deaths Registration Act 1953 is amended as follows.

7 In section 2 (information concerning birth to be given to registrar within 42 days), in paragraph (ii) of the proviso, for “an inquest is held at which” substitute “an investigation is conducted under Part 1 of the 2009 Act, other than one that is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination), in the course of which”.

8 (1) Section 16 (information concerning death in a house) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a), for “any relative of the deceased person” substitute “any person who is a relative or the partner of the deceased and who was”;
- (b) in paragraph (b), for “any other relative of the deceased residing or being” substitute “any person who is a relative or the partner of the deceased and who is or resides”, and
- (c) after paragraph (b) insert—
  - “(ba) any personal representative of the deceased;”.

(3) In subsection (3)—

- (a) in paragraph (a), for “the nearest relative such” substitute “each such person”;
- (b) in paragraph (b)—
  - (i) for “no such relative” substitute “no such person”, and
  - (ii) for “each such relative” substitute “each such person”;
- (c) in paragraph (c)—
  - (i) for “if there are no such relatives” substitute “if neither of paragraphs (a) and (b) above applies”, and

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- (ii) for “paragraph (c) or (d)” substitute “ paragraph (ba), (c) or (d) ”,
- (d) in paragraph (d), for “if there are no such relatives or persons as aforesaid” substitute “ if none of paragraphs (a) to (c) above applies ”, and
- (e) for “five days from the date of the death” substitute “ five days from the relevant date ”.

(4) In that subsection, for paragraph (ii) of the proviso substitute—

“(ii) this subsection shall not have effect if an investigation is conducted under Part 1 of the 2009 Act into the death of the deceased person and has not been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination).”

(5) After that subsection insert—

“(4) In this section, the expression “the relevant date” means—

- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or
- (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act, the date of the discontinuance.”

9 (1) Section 17 (information concerning other deaths) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a), for “any relative of the deceased who” substitute “ any person who is a relative or the partner of the deceased and who ”, and
- (b) after that paragraph insert—
  - “(aa) any personal representative of the deceased;”.

(3) In subsection (3)—

- (a) in paragraph (a), for “relative” substitute “ person ”,
- (b) in paragraph (b), for “relatives” substitute “ persons ”,
- (c) for “five days from the date of the death or of the finding of the body” substitute “ five days from the relevant date ”, and
- (d) for paragraph (ii) of the proviso substitute—
  - “(ii) this subsection shall not have effect if an investigation is conducted under Part 1 of the 2009 Act into the death of the deceased person and has not been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination).”

(4) After that subsection insert—

“(4) In this section, the expression “the relevant date” means—

- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or

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- (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act, the date of the discontinuance.”

PROSPECTIVE

- 10 (1) Section 18 (notice preliminary to information of death) is amended as follows.
- (2) For the words from the beginning to “that person's death” substitute “ If, before the expiration of five days from the relevant date, a qualified informant of a person's death ”.
- (3) For the words from “accompanied by a notice” to “the cause of death,” substitute “ accompanied by a confirmed attending practitioner's certificate, or a medical examiner's certificate issued in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death), ”.
- (4) For “from the date aforesaid” substitute “ from the relevant date ”.
- (5) At the end of that section (which becomes subsection (1)) insert—
- “(2) In this section, the expression “the relevant date” means—
- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or
- (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act (cause of death [<sup>F1</sup>becoming clear before inquest]), the date of the discontinuance.”

#### Textual Amendments

**F1** Words in [Sch. 21 para. 10\(5\)](#) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 39\(6\)\(a\), 51\(3\)](#)

- 11 (1) In section 19 (registrar's power to require information concerning death), subsection (1) is amended as follows.
- (2) For the words from the beginning to “the registrar may” substitute—
- “(A1) This section applies where, after the expiration of the relevant period from—
- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death), or
- (b) where an investigation under Part 1 of that Act into a person's death is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination), the date of the discontinuance,
- the death of that person has, owing to the default of the persons required to give information concerning it, not been registered.

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(1) The registrar may”.

(3) For paragraph (ii) of the proviso substitute—

“(ii) an investigation under Part 1 of the 2009 Act is conducted into the death of the deceased person and has not been discontinued under section 4 of that Act”.

VALID FROM 16/04/2024

12 In section 20 (registration of death free of charge) omit the words from “, at any time” to “of any person,”.

VALID FROM 16/04/2024

13 Omit section 21 (registration of death after twelve months).

VALID FROM 16/04/2024

14 For section 22 substitute—

**“22 Registration of cause of death on receipt of medical certificate**

(1) This section applies where—

- (a) the registrar is given a confirmed attending practitioner's certificate, or a medical examiner's certificate, in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death); and
- (b) no investigation into the death under Part 1 of that Act is conducted.

(2) The registrar shall enter in the register the cause of death as stated in the certificate, together with—

- (a) the name of the medical examiner and such information about the examiner as may be prescribed; and
- (b) where an attending practitioner's certificate was prepared, the name of the practitioner by whom it was prepared and such information about that practitioner as may be prescribed.”

15 (1) Section 23 (furnishing of information by coroner) is amended as follows.

(2) For subsection (2) substitute—

“(2) Where there has been an investigation under Part 1 of the 2009 Act into a death and the senior coroner sends to the registrar a certificate giving information concerning the death, including the particulars found under section 10(1)(b) of that Act, the registrar shall in the prescribed form and manner register the death and those particulars; and, if the death has been previously registered, those particulars shall be entered in the prescribed manner without any alteration of the original entry.

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(2ZA) Where under section 40(8)(a)(i) of the 2009 Act the Chief Coroner amends a finding under section 10(1)(b) of that Act and sends to the registrar a certificate setting out the amended particulars, the registrar shall in the prescribed form and manner register the amended particulars without any alteration of the original entry.”

(3) For subsection (2A) substitute—

“(2A) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under Schedule 1 to that Act, and
- (b) the senior coroner sends to the registrar a certificate stating the particulars required by this Act to be registered concerning the death (so far as they have been ascertained at the date of the certificate),

the registrar shall in the prescribed form and manner register the death and those particulars.

(2B) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under paragraph 2 of Schedule 1 to that Act (suspension where certain criminal proceedings brought), and
- (b) the senior coroner sends to the registrar a certificate—
  - (i) stating the result of the proceedings in respect of the charge or charges by reason of which the investigation was suspended, or of any proceedings that had to be concluded before the investigation could be resumed, or
  - (ii) setting out any changes or additions to the particulars mentioned in subsection (2A) of this section,

the registrar shall in the prescribed form and manner register the result of those proceedings, or the changes or additions, without any alteration of the original entry.

(2C) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under paragraph 3 of Schedule 1 to that Act (suspension pending inquiry), and
- (b) the senior coroner sends to the registrar a certificate—
  - (i) stating the findings of the inquiry by reason of which the investigation was suspended,
  - (ii) stating the result of any proceedings that had to be concluded before the investigation could be resumed, or
  - (iii) setting out any changes or additions to the particulars mentioned in subsection (2A) of this section,

the registrar shall in the prescribed form and manner register the findings of that inquiry, or the result of those proceedings, or the changes or additions, without any alteration of the original entry.”

(4) In subsection (3), for the words from the beginning to “stating” substitute “ Where an investigation is discontinued under section 4 of the 2009 Act by reason of

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an examination under section 14 of that Act (post-mortem examinations) and the senior coroner sends to the registrar a certificate stating ”.

#### Commencement Information

- I1** Sch. 21 para. 15(1)(3)(4) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(o\)\(v\)](#)  
**I2** Sch. 21 para. 15(2) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vi\)](#)

VALID FROM 16/04/2024

- 16 (1) Section 23A (giving of information concerning a death to a person other than the registrar) is amended as follows.
- (2) In subsection (2), for paragraphs (a) and (b) substitute—
- “**(a)** if <sup>F2</sup>—
- (i) there has been no investigation under Part 1 of the 2009 Act into the death, or
- (ii) such an investigation has been discontinued under section 4 of the 2009 Act (cause of death becoming clear before inquest) other than as mentioned in paragraph (b),]
- a copy of a confirmed attending practitioner's certificate, or of a medical examiner's certificate, given to the registrar in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death); and
- (b)** if an investigation into the death has been discontinued under section 4 of that Act by reason of an examination under section 14 of that Act (post-mortem examinations), a copy of a certificate from the senior coroner stating the cause of death as disclosed by the report of the person making the examination;”.
- (3) In subsection (5), after “a relative” insert “ or the partner ”.
- (4) Omit subsection (6).

#### Textual Amendments

- F2** Words in [Sch. 21 para. 16\(2\)](#) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 39\(6\)\(c\)](#), 51(3)

VALID FROM 16/04/2024

- 17 In section 24 (certificates as to registration of death), in subsection (1), for “has received a certificate under section twenty-two of this Act” substitute “ has been given a confirmed attending practitioner's certificate or a medical examiner's certificate in accordance with regulations under section 20 of the 2009 Act ”.

- 18 (1) Section 29 (correction of error in registers) is amended as follows.



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(2) After subsection (3) insert—

“(3A) In the case of a death in relation to which the registrar has been given a confirmed attending practitioner's certificate, or a medical examiner's certificate, in accordance with regulations under section 20 of the 2009 Act—

- (a) no correction under subsection (3) of this section relating to the cause of death may be made without the approval of the medical examiner concerned;
- (b) any error of fact or substance relating to the cause of death in a register of deaths may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register on being notified by the medical examiner of the nature of the error and the true facts of the case.”

“(3B) In the case of a death in relation to which an investigation under Part 1 of the 2009 Act has been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination)—

- (a) no correction under subsection (3) of this section relating to the cause of death may be made without the approval of the senior coroner concerned;
- (b) any error of fact or substance relating to the cause of death in a register of deaths may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register on being notified by the senior coroner of the nature of the error and the true facts of the case.”

(3) In paragraph (a) of subsection (4), for “touching which he has held an inquest” substitute “into which he has conducted an investigation under Part 1 of the 2009 Act (other than one that has been discontinued under section 4 of that Act)”.

(4) Omit paragraph (b) of that subsection and the word “or” preceding it.

**Commencement Information**

- I3** Sch. 21 para. 18(1) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vii\)\(viii\)](#)
- I4** Sch. 21 para. 18(2) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vii\)](#)
- I5** Sch. 21 para. 18(3)(4) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(o\)\(viii\)](#)

VALID FROM 16/04/2024

19 After section 33 insert—

**“33A Short certificate of death**

- (1) Any person shall—
  - (a) on furnishing the prescribed particulars, and
  - (b) on payment of such fee as may be specified in regulations made by the Minister by statutory instrument,be entitled to obtain from the Registrar General, a superintendent registrar or a registrar a short certificate of the death of any person.

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(2) Any such certificate shall be in the prescribed form and shall be compiled in the prescribed manner from the records and registers in the custody of the Registrar General, or from the registers in the custody of the superintendent registrar or registrar, as the case may be, and shall contain such particulars as may be prescribed.

(3) A statutory instrument containing regulations under subsection (1) (b) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

PROSPECTIVE

20 In section 34 (entry in register as evidence of birth or death) omit subsection (4).

21 (1) In section 41 (interpretation) insert the following definitions at the appropriate places—

““the 2009 Act” means the Coroners and Justice Act 2009;”;

“ “attending practitioner's certificate” has the meaning given by section 20(1)(a) of the 2009 Act;”;

“ “confirmed attending practitioner's certificate” means an attending practitioner's certificate in respect of which the cause of death has been confirmed by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the 2009 Act;”;

“ “medical examiner” means a person appointed under section 19 of the 2009 Act;”;

“ “medical examiner's certificate” has the meaning given by section 20(1)(h) of the 2009 Act;”;

“ “partner” (except in the expression “civil partner”) is to be read in accordance with subsection (2) of this section.”

(2) At the end of that section (which becomes subsection (1)) insert—

“(2) 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.

(3) A reference in this Act to an investigation under Part 1 of the 2009 Act being conducted includes a reference to the case where such an investigation has begun and—

(a) has not yet finished,

(b) is suspended under Schedule 1 to that Act (whether temporarily or otherwise), or

(c) is discontinued under section 4 of that Act.”

*Courts Act 1971 (c. 23)*

22 In Schedule 2 to the Courts Act 1971 (certain office-holders eligible for appointment as circuit judges), in Part 1A, for “Coroner appointed under section 2 of the Coroners Act 1988” substitute “Senior coroner appointed under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009”.

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*Pensions (Increase) Act 1971 (c. 56)*

- 23 In Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), in paragraph 61, after “the Coroners Act 1988” insert “ or by virtue of paragraph 17 of Schedule 3 to the Coroners and Justice Act 2009 ”.

*Juries Act 1974 (c. 23)*

- 24 In section 19 of the Juries Act 1974 (payment for jury service), in subsections (2) and (5), for “the Coroners Act 1988” substitute “ Schedule 7 to the Coroners and Justice Act 2009 ”.

*Health and Safety at Work etc. Act 1974 (c. 37)*

- 25 (1) In section 34 of the Health and Safety at Work etc. Act 1974 (extension of time for bringing summary proceedings), subsection (1) is amended as follows.
- (2) In paragraph (c), for “a coroner's inquest is held touching” substitute “ an investigation under Part 1 of the Coroners and Justice Act 2009 is conducted into ”.
- (3) For the words from “from the report” to “proceedings at the inquest or” substitute “ from the report or investigation or, in a case falling within paragraph (d) above, from the proceedings at the ”.
- (4) For “report, inquest or inquiry” substitute “ report, investigation or inquiry ”.
- (5) For “conclusion of the inquest” substitute “ conclusion of the investigation ”.

*House of Commons Disqualification Act 1975 (c. 24)*

- 26 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert the following entries at the appropriate place—

“Senior coroner, area coroner or assistant coroner appointed under Part 1 of the Coroners and Justice Act 2009.”

“Coroner for Treasure.”

“Deputy Chief Coroner appointed by the Lord Chancellor under that Part who is not also a senior coroner.”

PROSPECTIVE

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 27 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) insert the following entries at the appropriate place—

“Senior coroner, area coroner or assistant coroner appointed under Part 1 of the Coroners and Justice Act 2009.”

“Coroner for Treasure.”

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“Deputy Chief Coroner appointed by the Lord Chancellor under that Part who is not also a senior coroner.”

*Magistrates' Courts Act 1980 (c. 43)*

28 In Schedule 6A to the Magistrates' Courts Act 1980 (fines that may be altered under section 143)—

- (a) omit the entry relating to the Coroners Act 1988, and
- (b) after the entry relating to the Powers of Criminal Courts (Sentencing) Act 2000 insert—

“CORONERS AND JUSTICE ACT 2009

In Schedule 6, paragraphs 5 (refusal to serve as juror £1000” etc) and 6 (refusal to give evidence etc)

PROSPECTIVE

*Access to Health Records Act 1990 (c. 23)*

29 (1) Section 3 of the Access to Health Records Act 1990 (right of access to health records) is amended as follows.

(2) In subsection (1) (persons entitled to access), at the end insert—

“(g) where the patient has died, a medical examiner exercising functions by virtue of section 20 of the Coroners and Justice Act 2009 in relation to the death.”

F3(3) . . . . .

**Textual Amendments**

F3 Sch. 21 para. 29(3) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 161](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

*Courts and Legal Services Act 1990 (c. 41)*

30 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc barred from legal practice), for “Coroner appointed under section 2 of the Coroners Act 1988” substitute “Senior coroner appointed under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009”.

PROSPECTIVE

*Judicial Pensions and Retirement Act 1993 (c. 8)*

31 In Part 2 of Schedule 1 to the Judicial Pensions and Retirement Act 1993 (other offices that may be qualifying judicial offices), after the entry relating to the

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Adjudicator to Her Majesty's Land Registry there is inserted— “ Coroner for Treasure. Deputy Chief Coroner appointed by the Lord Chancellor who is not also a senior coroner ”

*Merchant Shipping Act 1995 (c. 21)*

32 The Merchant Shipping Act 1995 is amended as follows.

33 In section 108 (returns of births and deaths in ships etc), in subsection (6)(b), for “is satisfied that an inquest is unnecessary” substitute “ discontinues an investigation under Part 1 of the Coroners and Justice Act 2009 or, as the case may be, is satisfied that an inquest under the Coroners Act (Northern Ireland) 1959 is unnecessary ”.

34 In section 271 (inquiries into deaths of crew members and others), in subsection (6), for “where” to the end substitute “where—

- (a) in England and Wales, an investigation is to be conducted under Part 1 of the Coroners and Justice Act 2009;
- (b) in Northern Ireland, an inquest is to be held under the Coroners Act (Northern Ireland) 1959;
- (c) in Scotland, an enquiry is to be held under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.”

35 (1) Section 273 (transmission of particulars of certain deaths on ships) is amended as follows.

(2) In paragraph (a), for “or a post mortem examination” to the end substitute “ or subsection (2) below applies; and ”.

(3) At the end of that section (which becomes subsection (1)) insert—

“(2) This subsection applies where—

- (a) in England and Wales, an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination); or
- (b) in Northern Ireland, a preliminary investigation is made of a dead body as a result of which the coroner is satisfied that an inquest is unnecessary.”

*Employment Rights Act 1996 (c. 18)*

36 (1) The Employment Rights Act 1996 is amended as follows.

(2) In section 43M (jury service), in subsection (1)(a), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.

(3) In section 98B (jury service), in subsection (1)(a), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.

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PROSPECTIVE

*Treasure Act 1996 (c. 24)*

37 The Treasure Act 1996 is amended as follows.

38 For section 7 (jurisdiction of coroners) substitute—

**“7 Jurisdiction of coroners**

(1) As regards Northern Ireland, the jurisdiction of coroners which is referred to in section 33 of the Coroners Act (Northern Ireland) 1959 (treasure) is exercisable in relation to anything that is treasure for the purposes of this Act.

(2) That jurisdiction is not exercisable for the purposes of the law relating to treasure trove in relation to anything found after the commencement of section 4.

(3) The Act of 1959 has effect subject to this section.

(4) An inquest held by virtue of subsection (1) is to be held without a jury, unless the coroner orders otherwise.

(5) As regards England and Wales, see Chapter 4 of Part 1 of the Coroners and Justice Act 2009 (which confers jurisdiction on the Coroner for Treasure in relation to an object that is or may be treasure, or treasure trove found before the commencement of section 4).”

39 (1) Section 8 (duty of finder to notify coroner) is amended as follows.

(2) In subsection (1), for “coroner for the district in which the object was found” substitute “Coroner for Treasure”.

(3) In subsection (4), for “coroner” substitute “Coroner for Treasure”.

(4) For subsection (5) substitute—

“(5) If the office of Coroner for Treasure is vacant, notification under subsection (1) must be given to an Assistant Coroner for Treasure.

(6) This section has effect subject to section 8B.”

(5) After that subsection insert—

(7) “(7) 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 was found”;

(b) in subsection (4), for “Coroner for Treasure” there were substituted “coroner”; and

(c) in subsection (5), for the words from “Coroner for Treasure” to the end 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)”.

40 After section 8A (inserted by section 30 of this Act) insert—

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#### **“8B Notice under section 8 or 8A to designated officer**

- (1) A requirement under section 8 or 8A to give a notification to the Coroner for Treasure (or an Assistant Coroner for Treasure) may, if the relevant place falls within an area for which there is a designated officer, be complied with by giving the notification to that officer.
- (2) A designated officer must notify the Coroner for Treasure of all notifications given under subsection (1).
- (3) If the office of Coroner for Treasure is vacant, notification under subsection (2) must be given to an Assistant Coroner for Treasure.
- (4) In this section—
  - “designated officer” means an officer designated by an order made by statutory instrument by the Secretary of State;
  - “the relevant place” means—
    - (a) in relation to a requirement under section 8, the place where the object in question was found;
    - (b) in relation to a requirement under section 8A, the place where the treasure in question is located.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In its application to Northern Ireland this section has effect as if—
  - (a) in subsection (1), for “the Coroner for Treasure (or an Assistant Coroner for Treasure)” there were substituted “ a coroner ”;
  - (b) in subsection (2), for “Coroner for Treasure” there were substituted “ coroner for the district in which the relevant place falls ”;
  - (c) in subsection (3), 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 (2) ”.

#### **8C Offences under section 8 or 8A: period for bringing proceedings**

- (1) Proceedings for an offence under section 8 or 8A may be brought within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge; but no such proceedings may be brought by virtue of this subsection more than three years after the commission of the offence.
- (2) For the purposes of subsection (1)—
  - (a) a certificate signed by or on behalf of the prosecutor and stating the date on which the evidence referred to in that subsection came to the prosecutor's knowledge shall be conclusive evidence to that effect; and

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- (b) a certificate to that effect and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

41 For section 9 substitute—

**“9 Procedure for investigations: England and Wales**

- (1) Before conducting an investigation concerning an object, the Coroner for Treasure must—

- (a) notify the appropriate national museum;  
(b) take reasonable steps to notify—  
(i) any person who the coroner thinks may have found the object; and  
(ii) any person who, at the time the object was found, occupied land that the coroner thinks may be where it was found.

- (2) During an investigation the Coroner for Treasure must take reasonable steps to notify any person within subsection (1)(b) who has not already been notified.

- (3) Before or during an investigation, the Coroner for Treasure must take reasonable steps—

- (a) to obtain the names and addresses of any other interested persons; and  
(b) to notify any interested person whose name and address he obtains.

- (4) The Coroner for Treasure must take reasonable steps to give any interested person an opportunity to examine witnesses at any inquest held as part of an investigation.

- (5) In this section—

“the appropriate national museum” means—

- (a) the British Museum, if the object in question was found or is believed to have been found in England;  
(b) the National Museum of Wales, if it was found or is believed to have been found in Wales;

“interested person” has the meaning given by section 47(6) of the Coroners and Justice Act 2009;

“investigation” means an investigation under section 26 of that Act.

- (6) This section extends only to England and Wales.

**9A Procedure for inquests: Northern Ireland**

- (1) Before conducting an inquest concerning an object, a coroner must—

- (a) notify the Department of the Environment for Northern Ireland;  
(b) take reasonable steps to notify—  
(i) any person who the coroner thinks may have found the object; and



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(ii) any person who, at the time the object was found, occupied land that the coroner thinks may be where it was found.

(2) During the inquest the coroner must take reasonable steps to notify any person within subsection (1)(b) who has not already been notified.

(3) Before or during the inquest, the coroner must take reasonable steps—

(a) to obtain the names and addresses of any other interested persons; and

(b) to notify any interested person whose name and address he obtains.

(4) The coroner must take reasonable steps to give any interested person an opportunity to examine witnesses at the inquest.

(5) In this section—

“inquest” means an inquest held by virtue of section 7(1);

“interested person” means—

(a) the Department of the Environment for Northern Ireland;

(b) the finder of the object in question or any person otherwise involved in the find;

(c) the occupier, at the time the object was found, of the land where it was found or is believed to have been found;

(d) a person who had an interest in that land at that time or who has had such an interest since;

(e) any other person with a sufficient interest.

(6) This section extends only to Northern Ireland.”

42

Omit section 13.

PROSPECTIVE

*Northern Ireland (Location of Victims' Remains) Act 1999 (c. 7)*

43

In section 4 of the Northern Ireland (Location of Victims' Remains) Act 1999 (restrictions on forensic testing), in subsection (2), for “for the purposes of an inquest, the identity” substitute “for the purposes of—

(a) an inquest under the Coroners Act (Northern Ireland) 1959, or

(b) an investigation under Part 1 of the Coroners and Justice Act 2009,

the identity”.

*Freedom of Information Act 2000 (c. 36)*

44

In section 32 of the Freedom of Information Act 2000 (court records etc), in subsection (4)(b), for “any inquest or” substitute “ any investigation under Part 1 of the Coroners and Justice Act 2009, any inquest under the Coroners Act (Northern Ireland) 1959 and any ”.

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*International Criminal Court Act 2001 (c. 17)*

- 45 In section 35 of the International Criminal Court Act 2001 (orders for exhumation), for “section 23 of the Coroners Act 1988 (c. 13)” substitute “paragraph 6 of Schedule 5 to the Coroners and Justice Act 2009”.

PROSPECTIVE

*Courts Act 2003 (c. 39)*

- F<sup>4</sup>46 .....

**Textual Amendments**

- F4** Sch. 21 para. 46 repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 35](#) (with art. 2)

PROSPECTIVE

*Human Tissue Act 2004 (c. 30)*

- 47 The Human Tissue Act 2004 is amended as follows.
- 48 In section 1 (authorisation of activities for scheduled purposes), in subsection (2), for the words after “shall be lawful” substitute “if done with the appropriate consent and after—
- (a) the confirmation of the cause of death by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the Coroners and Justice Act 2009 or the issue by a medical examiner of a certificate of the cause of death in accordance with regulations under section 20(1)(h)(i) of that Act, or
  - (b) the signing of a certificate under Article 25(2) of the Births and Deaths Registration (Northern Ireland) Order 1976 of the cause of the person's death.”
- 49 (1) Section 5 (prohibition of activities without consent etc) is amended as follows.
- (2) In subsection (3), for the words from “neither” to the end substitute “none of the following has happened in relation to the death of the person concerned—
    - (a) the confirmation of the cause of death by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the Coroners and Justice Act 2009 or the issue by a medical examiner of a certificate of the cause of death in accordance with regulations under section 20(1)(h)(i) of that Act;
    - (b) the signing of a certificate under Article 25(2) of the Births and Deaths Registration (Northern Ireland) Order 1976 of the cause of death.”
  - (3) In subsection (4)(a)(i), for “a certificate under either of those provisions has been signed in relation to the cause of death of the person concerned” substitute “one of

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the things mentioned in paragraphs (a) and (b) of that subsection has happened in relation to the death of the person concerned ”.

50 In section 43 (preservation for transplantation), after subsection (5) insert—  
“(5A) Section 11(2) applies to an act on authority under subsection (1) above as it applies to an act on authority under section 1.”

*Constitutional Reform Act 2005 (c. 4)*

51 In Schedule 14 to the Constitutional Reform Act 2005 (the Judicial Appointments Commission: relevant offices and enactments), at the end of Part 3 insert—

“Coroner for Treasure	Paragraph 1 of Schedule 4 to the Coroners and Justice Act 2009
Deputy Chief Coroner	Paragraph 2(5) of Schedule 8 to the Coroners and Justice Act 2009”

VALID FROM 01/02/2010

**PART 2**

MURDER AND SUICIDE

VALID FROM 04/10/2010

*Criminal Justice Act 2003 (c. 44)*

52 In Schedule 21 to the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence), in paragraph 11—  
(a) in paragraph (d) omit “in a way not amounting to a defence of provocation”, and  
(b) in paragraph (e), after “self-defence” insert “ or in fear of violence ”.

*Children and Young Persons Act 1933 (c. 12)*

53 In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons to which special provisions apply), after the entry relating to infanticide insert— “ An offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person. ”

*Visiting Forces Act 1952 (c. 67)*

54 In the Visiting Forces Act 1952—

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- (a) in section 7(6) (provisions as to coroner's inquests and removal of bodies: meaning of homicide) for the words from “murder” to the end substitute “—
- (a) murder, manslaughter or infanticide,
  - (b) any offence under the law of the country in question which is analogous to any of the offences within paragraph (a), and
  - (c) any offence under the law of the country in question which is analogous to an offence under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide).”, and
- (b) in paragraph 1(a) of the Schedule (offences against the person for purposes of restriction of trial by United Kingdom courts of offenders connected with visiting forces) for “of” to “commit suicide” substitute “ under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide) ”.

*Suicide Act 1961 (c. 60)*

- 55 In Schedule 1 to the Suicide Act 1961—
- (a) in Part 1 omit the entry relating to Schedule 1 to the Children and Young Persons Act 1933 (c. 12), and
  - (b) in Part 2 omit the entry relating to section 7 of the Visiting Forces Act 1952 (c. 67).

*Criminal Justice Act (Northern Ireland) 1966 (c. 20)*

- 56 In section 12 of the Criminal Justice Act (Northern Ireland) 1966 (suicide to cease to be a crime), for “13 and 14” substitute “ 13 to 14 ”.

*Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

- 57 In Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968 (offences against children and young persons to which special provisions apply), for the entry for “Aiding, abetting, counselling or procuring the suicide of a child or young person” substitute— “ An offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person. ”

*Criminal Attempts Act 1981 (c. 47)*

- 58 After section 1(4)(b) of the Criminal Attempts Act 1981 (exclusions to offence of attempting to commit an offence) insert—
- “(ba) an offence under section 2(1) of the Suicide Act 1961 (c. 60) (encouraging or assisting suicide);”.

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*Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I. 13))*

- 59 After Article 3(4)(b) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (exclusions to offence of attempting to commit an offence) insert—

“(ba) an offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide);”.

*Law Reform (Year and a Day Rule) Act 1996 (c. 19)*

- 60 (1) Section 2 of the Law Reform (Year and a Day Rule) Act 1996 (restriction on institution of proceedings for a fatal offence) is amended as follows.

- (2) For subsection (3)(b) (but not the “or” following it) substitute—

“(b) an offence under section 2(1) of the Suicide Act 1961 (offence of encouraging or assisting suicide) in connection with the death of a person.”.

- (3) In subsection (5) after paragraph (a) insert—

“(aa) the reference in subsection (3)(b) to section 2(1) of the Suicide Act 1961 is to be read as a reference to section 13(1) of the Criminal Justice Act (Northern Ireland) 1966, and”.

*Serious Crime Act 2007 (c. 27)*

- 61 (1) The Serious Crime Act 2007 is amended as follows.

- (2) After section 51 insert—

**“51A Exceptions to section 44 for encouraging or assisting suicide**

Section 44 does not apply to an offence under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (offence of encouraging or assisting suicide).”

- (3) In Schedule 3 (offences to be disregarded for the purposes of the offences under sections 45 and 46)—

- (a) in Part 2, after paragraph 27 insert—

*“Suicide Act 1961 (c. 60)*

27A An offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide).”, and

- (b) in Part 4, after paragraph 42 insert—

*“Criminal Justice Act (Northern Ireland) 1966 (c. 20)*

42A An offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide).”

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### PART 3

#### PROHIBITED IMAGES OF CHILDREN

##### *Sexual Offences Act 2003 (c. 42)*

- 62 (1) Schedule 3 to the Sexual Offences Act 2003 (sexual offences in respect of which offender becomes subject to notification requirements) is amended as follows.
- (2) After paragraph 35A insert—
- “35B An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender—
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”
- (3) Paragraphs 92A to 92V, as inserted by Article 13 of the Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), are renumbered as paragraphs 92B to 92W of that Schedule (and are to be regarded as so inserted after paragraph 92A as inserted by paragraph 58(3) of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4)).
- (4) After paragraph 92W insert—
- “92X An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender—
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”
- (5) In paragraphs 93(1) and 93A(1) (service offences) for “35A” substitute “ 35B ”.

#### Commencement Information

**I6** Sch. 21 para. 62 partly in force; Sch. 21 para. 62(3) in force at Royal Assent see s. 182(1)(h)

VALID FROM 06/04/2010

##### *Criminal Justice Act 2003 (c. 44)*

- 63 In Schedule 34A to the Criminal Justice Act 2003 (child sex offences for purposes of provisions about disclosure of information to the public), after paragraph 13 insert—
- “13A An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).”

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VALID FROM 06/04/2010

*Armed Forces Act 2006 (c. 52)*

- 64 In Schedule 2 to the Armed Forces Act 2006 (offences), after paragraph 12(a) add—
- “(av) an offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).”

VALID FROM 12/01/2010

**PART 4**

ABOLITION OF COMMON LAW LIBEL OFFENCES ETC

*Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8)*

- 65 (1) In section 1 of the Criminal Libel Act 1819 (power of court to make order for seizure of copies of libel)—
- (a) after “In every case” insert “ in Northern Ireland ”, and
- (b) omit from “, or any seditious libel” to “means”.
- (2) This paragraph does not extend to Scotland.

*Libel Act 1843 (c. 96)*

- 66 In section 7 of the Libel Act 1843 (evidence to rebut prima facie case of publication by agent)—
- (a) after “Whosoever” insert “ in Northern Ireland ”, and
- (b) before “libel” insert “ blasphemous ”.

*Newspaper Libel and Registration Act 1881 (c. 60)*

- 67 In section 4 of the Newspaper Libel and Registration Act 1881 (inquiry by court of summary jurisdiction as to libel being for public benefit etc)—
- (a) after “jurisdiction” insert “ in Northern Ireland ”,
- (b) before “libel” (in first place it occurs) insert “ blasphemous ”, and
- (c) omit from “as to the publication” to “malice, and”.

*Law of Libel Amendment Act 1888 (c. 64)*

- 68 In section 8 of the Law of Libel Amendment Act 1888 (order of Judge required for prosecution of newspaper proprietor etc)—
- (a) after “commenced” insert “ in Northern Ireland ”, and
- (b) before “libel” insert “ blasphemous ”.

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VALID FROM 01/01/2010

**PART 5**

## WITNESS ANONYMITY ORDERS

*Criminal Appeal Act 1968 (c. 19)*

69 In section 31 of the Criminal Appeal Act 1968 (powers of Court which are exercisable by single judge), after subsection (2E) insert—

“(2F) The powers of the Court of Appeal to make, discharge or vary a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009 may be exercised by a single judge in the same manner as they may be exercised by the Court.”

*Court Martial Appeals Act 1968 (c. 20)*

70 In section 36 of the Court Martial Appeals Act 1968 (powers of Court which are exercisable by single judge), in subsection (1), after paragraph (j) (as inserted by Schedule 8 to the Armed Forces Act 2006 (c. 52)) insert—

- “(k) to make a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009;
- (l) to discharge or vary a witness anonymity order under any of sections 91, 92 and 93 of that Act;”.

*Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

71 In section 45 of the Criminal Appeal (Northern Ireland) Act 1980 (powers of Court which are exercisable by single judge), after subsection (3D) insert—

“(3E) Subject to section 44(4) above, the powers of the Court of Appeal to make, discharge or vary a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009 may be exercised by a single judge of the Court.”

VALID FROM 27/06/2011

**PART 6**

## VULNERABLE AND INTIMIDATED WITNESSES

*Crime and Disorder Act 1998 (c. 37)*

72 In section 11(3) of the Crime and Disorder Act 1998 (special measures for witnesses: modifications of Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (c. 23))—

- (a) in paragraph (a), after “section 17(4)” insert “ to (7) ”,



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- (b) in paragraph (b), for “section 21(1)(b) and (5) to (7)” substitute “section 21(4C)(e)”, and
- (c) before paragraph (d) insert—
  - “(ca) section 22A.”.

*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

- 73 In section 27(5) of the Youth Justice and Criminal Evidence Act 1999 (consequences of admitting video recording), in paragraph (a)(i), for “otherwise than by testimony in court” substitute “in any recording admissible under section 28”.

VALID FROM 01/02/2010

**PART 7**

**BAIL**

*Bail Act 1976 (c. 63)*

- 74 In the Bail Act 1976—
- (a) in section 4 (general right to bail of accused persons etc), in subsection (7) at the end add “and section 115(1) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge)”, and
  - (b) in section 7 (liability to arrest for absconding or breaking conditions of bail), after subsection (7) add—
    - “(8) In the case of a person charged with murder or with murder and one or more other offences—
      - (a) subsections (4) and (5) have effect as if for “justice of the peace” there were substituted “judge of the Crown Court”,
      - (b) subsection (6) has effect as if for “justice” (in both places) there were substituted “judge”, and
      - (c) subsection (7) has effect, for the purposes of subsection (4), as if at the end there were added “, Saturday or bank holiday.”

*Magistrates' Courts Act 1980 (c. 43)*

- 75 In section 117 of the Magistrates' Courts Act 1980 (warrant endorsed for bail), after subsection (1) insert—
- “(1A) Subsection (1) is subject to section 115(1) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge).”

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*Supreme Court Act 1981 (c. 54)*

- 76 In section 81 of the Supreme Court Act 1981 (granting of bail by the Crown Court)—
- (a) after subsection (1)(g) insert—
- “(h) in respect of whom a judge of the Crown Court is required to make a decision pursuant to section 115(3) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge);”, and”
- (b) in subsection (5) for “either” to the end substitute “—
- (a) if the person is charged with murder or with murder and one or more other offences, the Crown Court, and
- (b) in any other case, either the Crown Court or a magistrates' court.”

*Police and Criminal Evidence Act 1984 (c. 60)*

- 77 In section 38 of the Police and Criminal Evidence Act 1984 (duties of custody officer after charge), after subsection (1)(b) add—
- “(c) the offence with which the person is charged is murder.”

*Crime and Disorder Act 1998 (c. 37)*

- 78 In section 52 of the Crime and Disorder Act 1998 (supplementary provision about persons sent for trial to Crown Court), in subsection (1), after “1980 Act” insert “, section 115(1) of the Coroners and Justice Act 2009”.

VALID FROM 06/04/2010

**PART 8**

SENTENCING COUNCIL FOR ENGLAND AND WALES

*Parliamentary Commissioner Act 1967 (c. 13)*

- 79 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), after the entry for the Security Industry Authority insert—
- “Sentencing Council for England and Wales.”

*Magistrates' Courts Act 1980 (c. 43)*

- 80 In section 19 of the Magistrates' Courts Act 1980 (decision as to allocation), as substituted by Schedule 3 to the Criminal Justice Act 2003 (c. 44), in subsection (3) for “170 of the Criminal Justice Act 2003” substitute “122 of the Coroners and Justice Act 2009”.

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*Crime and Disorder Act 1998 (c. 37)*

- 81 In Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons are sent for trial under section 51 of that Act), in paragraph 9(3), as substituted by Schedule 3 to the Criminal Justice Act 2003, for “170 of the Criminal Justice Act 2003” substitute “ 122 of the Coroners and Justice Act 2009 ”.

*Freedom of Information Act 2000 (c. 36)*

- 82 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: other public bodies and offices), after the entry for the Senior Salaries Review Body insert—

“The Sentencing Council for England and Wales.”

*Criminal Justice Act 2003 (c. 44)*

- 83 The Criminal Justice Act 2003 is amended as follows.

- 84 In section 174 (duty to give reasons for, and explain effect of, sentence)—

(a) for subsection (2)(a) substitute—

“(a) identify any definitive sentencing guidelines relevant to the offender's case and explain how the court discharged any duty imposed on it by section 125 of the Coroners and Justice Act 2009,

(aa) where the court did not follow any such guidelines because it was of the opinion that it would be contrary to the interests of justice to do so, state why it was of that opinion,”

(b) in subsection (2)(e), for “of particular importance” substitute “ relevant to the case ”,

(c) in subsection (4), for “Secretary of State” substitute “ Lord Chancellor ”, and

(d) in subsection (6), for the definition of “guidelines” substitute—

““definitive sentencing guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued;”.

- 85 In section 269 (determination of minimum term in relation to mandatory life sentence)—

(a) in subsection (6), for “Secretary of State” substitute “ Lord Chancellor ”, and

(b) in subsection (7), for “Secretary of State shall consult the Sentencing Guidelines Council” substitute “ Lord Chancellor must consult the Sentencing Council for England and Wales ”.

- 86 In section 277 (interpretation of Chapter 7), for the definition of “guidelines” substitute—

““guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales as definitive guidelines under section 120

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	of the Coroners and Justice Act 2009, as revised by any subsequent guidelines so issued;”.
87	In section 330 (orders and rules), in subsection (1), after paragraph (b) add— “(c) the powers conferred on the Lord Chancellor by sections 174(4) and 269(6) to make an order.”
88	In Schedule 38 (transitory, transitional and saving provisions), omit paragraphs 2 and 3.
	<i>Armed Forces Act 2006 (c. 52)</i>
89	In section 259 of the Armed Forces Act 2006 (sentencing guidelines), for subsection (5) substitute— “(5) In this section “guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued.”

VALID FROM 16/07/2018

## PART 9

### DISQUALIFICATION FOR DRIVING

#### *Road Traffic Offenders Act 1988 (c. 53)*

- 90 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 34 (disqualification for certain offences), after subsection (4A) insert—  
“(4AA) For the purposes of subsection (4)(b), a disqualification is to be disregarded if the period of disqualification would have been less than 56 days but for an extension period added pursuant to—  
(a) section 35A or 35C,  
(b) section 248D of the Criminal Procedure (Scotland) Act 1995, or  
(c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”
- (3) In section 34A (as substituted by section 35 of the Road Safety Act 2006 (c. 49)) (reduced disqualification for attendance on courses)—  
(a) in subsection (1)(b), after “months” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,  
(b) in subsection (5), after “of this Act” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,  
(c) in subsection (6), after “order”, in first place it occurs, insert “ (but including any extension period added pursuant to section 35A or 35C) ”,  
and  
(d) after subsection (7) insert—

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“(7A) The reduced period” is the period of disqualification imposed under section 34 of this Act (disregarding any extension period added pursuant to section 35A or 35C) as reduced by an order under this section.”

- (4) In section 34B (as so substituted) (certificates of completion of courses)—
- (a) in subsection (1), for “unreduced period” substitute “ total unreduced period of disqualification ”,
  - (b) in subsection (2)—
    - (i) for “unreduced period” substitute “ total unreduced period of disqualification ”, and
    - (ii) for “reduced period”, in both places it occurs, substitute “ the total reduced period of disqualification ”, and
  - (c) after subsection (11) add—

“(12) For the purposes of this section—

“the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under section 34A;

“the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”

- (5) In section 34D (as inserted by section 15 of the Road Safety Act 2006) (reduced disqualification period: alcohol ignition interlock programme orders)—
- (a) in subsection (1)(d), after “section” insert “ and disregarding any extension period added pursuant to section 35A or 35C ”,
  - (b) in subsection (3), after “specify” insert “ as the period of disqualification under section 34 (disregarding any extension period added pursuant to section 35A or 35C) ”,
  - (c) after subsection (5) insert—

“(5A) An appropriate extension period (within the meaning of section 35A or 35C) is not to be added to the further order referred to in subsection (5).”,

- (d) in subsection (6)—
  - (i) in paragraph (a), for “unreduced period” substitute “ total unreduced period of disqualification ”, and
  - (ii) in paragraph (b), for “reduced period” substitute “ total reduced period of disqualification ”, and
- (e) after that subsection insert—

“(6A) In subsection (6)—

“the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under this section;

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“the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”

(6) In section 35 (disqualification for repeated offences)—

- (a) in subsection (2), in the words following paragraph (b), after “offender is” insert “, subject to subsection (2A), ”, and
- (b) after subsection (2) insert—

“(2A) A previous disqualification imposed on an offender for a fixed period is not to be taken into account for the purposes of subsection (2) if that period would have been less than 56 days but for an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(7) In section 37 (effect of order of disqualification)—

- (a) in subsection (1A)(a), after “56 days” insert “ (disregarding any extension period) ”,
- (b) in subsection (1A), after “period of disqualification” insert “ (including any extension period) ”, and
- (c) after subsection (1A) insert—

“(1B) In subsection (1A) “extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(8) In section 42 (removal of disqualification)—

- (a) in subsection (3)—
  - (i) for “the date of the order by which the disqualification was imposed” substitute “ the relevant date ”,
  - (ii) in paragraph (a), after “four years” insert “ (disregarding any extension period) ”, and
  - (iii) in paragraph (b), for “period of disqualification, if it is” substitute “ period of disqualification (disregarding any extension period), if the disqualification is (disregarding any extension period) ”,
- (b) after subsection (3) insert—

“(3A) In subsection (3) “the relevant date” means—

- (a) the date of the order imposing the disqualification in question, or
- (b) if the period of the disqualification is extended by an extension period, the date in paragraph (a) postponed by a period equal to that extension period.”, and

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(c) after subsection (3A) (as inserted by paragraph (b)), insert—

“(3B) Extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(9) In section 47 (supplementary provisions as to disqualification and endorsements)—

- (a) in subsection (2) (as substituted by paragraph 44(2) of Schedule 3 to the Road Safety Act 2006 (c. 49)), after “or more” insert “ (disregarding any extension period) ”, and
- (b) after subsection (2), insert—

“(2ZA) In subsection (2) “extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

91 In section 248C of the Criminal Procedure (Scotland) Act 1995 (application of sections 248A and 248B), omit subsection (3).

PROSPECTIVE

*Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10))*

92 (1) The Road Traffic Offenders (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 35(4) (disqualification for certain offences), in sub-paragraph (b) after “or more” insert “ (disregarding any extension period added pursuant to Article 40A or Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))) ”.

(3) In Article 36 (reduced disqualification period for attendance on courses)—

- (a) in paragraph (1)(b), after “months” insert “ (disregarding any extension period added pursuant to Article 40A) ”,
- (b) in paragraph (2), after “Article 35” insert “ (disregarding any extension period added pursuant to Article 40A) (“the unreduced period”) ”,
- (c) in paragraph (3), after “Article 35”, in both places it occurs, insert “ (disregarding any extension period added pursuant to Article 40A) ”,
- (d) after that paragraph insert—

“(3A) The reduced period” is the period of disqualification imposed under Article 35 of this Order (disregarding any extension period added pursuant to Article 40A) as reduced by an order under this Article.”, and

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- (e) in paragraph (5), at the end insert “ but including any extension period added pursuant to Article 40A. ”
- (4) In Article 37 (certificates of completion of courses)—
- (a) in paragraph (1), for “period of disqualification imposed under Article 35” substitute “ total unreduced period of disqualification ”,
- (b) in paragraph (2)—
- (i) for “period of disqualification imposed under Article 35” substitute “ total unreduced period of disqualification ”,
- (ii) for “end of the period as it would have been reduced by the order” substitute “ total reduced period of disqualification ”, and
- (iii) for “reduced period” substitute “ the total reduced period of disqualification ”, and
- (c) after that paragraph insert—
- “(2A) For the purposes of this Article—
- “the total reduced period of disqualification” means the period of disqualification imposed under Article 35 (including any extension period added to that period pursuant to Article 40A), as reduced by an order under Article 36;
- “the total unreduced period of disqualification” means the period of disqualification imposed under Article 35 (including any such extension period), disregarding any reduction by such an order.”
- (5) In Article 38A (as inserted by Article 60 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (reduced disqualification period: alcohol ignition interlock programme orders)—
- (a) in paragraph (1)(d), after “Article” insert “ and disregarding any extension period added pursuant to Article 40A ”,
- (b) in paragraph (3), after “specify” insert “ as the period of disqualification under Article 35 (disregarding any extension period added pursuant to Article 40A) ”,
- (c) after paragraph (5) insert—
- “(5A) An appropriate extension period (within the meaning of Article 40A) is not to be added to the further order referred to in paragraph (5).”,
- (d) in paragraph (6)—
- (i) in sub-paragraph (a), for “unreduced period” substitute “ total unreduced period of disqualification ”, and
- (ii) in sub-paragraph (b), for “reduced period” substitute “ total reduced period of disqualification ”, and
- (e) after that paragraph insert—
- “(6A) In paragraph (6)—
- “total reduced period of disqualification” means the period of disqualification imposed under Article 35 (including any extension period added to that period pursuant to Article 40A), as reduced by an order under this Article;



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“total unreduced period of disqualification” means the period of disqualification imposed under Article 35 (including any such extension period), disregarding any reduction by such an order.”

(6) In Article 40(3) (disqualification for repeated offences), after “or more” insert “ (disregarding any extension period added pursuant to Article 40A or Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))) ”.

(7) In Article 42 (effect of order of disqualification)—

- (a) in paragraph (2)(a), after “56 days” insert “ (disregarding any extension period) ”,
- (b) in paragraph (2), after “period of disqualification” insert “ (including any extension period) ”, and
- (c) after paragraph (2) insert—

“(2A) In paragraph (2) “extension period” means an extension period added pursuant to—

- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

(8) In Article 47 (removal of disqualification)—

- (a) in paragraph (3)—
  - (i) for “the date of the order by which the disqualification was imposed” substitute “ the relevant date ”,
  - (ii) in sub-paragraph (a), after “4 years” insert “ (disregarding any extension period) ”, and
  - (iii) in sub-paragraph (b), for “period of disqualification, if it is” substitute “ period of disqualification (disregarding any extension period), if the disqualification is (disregarding any extension period) ”,
- (b) after paragraph (3) insert—

“(3A) In paragraph (3) “the relevant date” means—

- (a) the date of the order imposing the disqualification in question, or
- (b) if the period of the disqualification is extended by an extension period, the date in sub-paragraph (a) postponed by a period equal to that extension period.”, and
- (c) after paragraph (3A) (as inserted by paragraph (b)), insert—

“(3B) Extension period” means an extension period added pursuant to—

- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

(9) In Article 52 (supplementary provisions as to disqualification and endorsements)—

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- (a) in paragraph (2), after “or more” insert “ (disregarding any extension period)”, and
- (b) after paragraph (2), insert—
- “(2ZA) In paragraph (2) “extension period” means an extension period added pursuant to—
- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

PROSPECTIVE

*Crime (International Co-operation) Act 2003 (c. 32)*

F<sup>5</sup>93

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**Textual Amendments**

- F5** Sch. 21 para. 93 omitted (23.2.2017) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 7 para. 22](#) (with [Sch. 7 para. 27](#)); S.I. 2017/189, art. 3

**PART 10**

MISCELLANEOUS

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 94 (1) Section 160 of the Powers of Criminal Courts (Sentencing) Act 2000 (rules and orders) is amended as follows.

- (2) For subsection (2) substitute—

“(2) A statutory instrument containing any order under section 107(1)(e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

- (3) For subsection (5) substitute—

“(5) An order under section 107(1)(e) may make different provision for different cases or classes of case.”

*Criminal Justice Act 2003 (c. 44)*

- 95 (1) Section 229 of the Criminal Justice Act 2003 (the assessment of dangerousness) is amended as follows.

- (2) In subsection (2A), for paragraph (a) substitute—

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“(a) a conviction of an offence in any service disciplinary proceedings, and”.

(3) After that subsection insert—

“(2B) For the purposes of subsection (2A)(a) “service disciplinary proceedings” means—

(a) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), and

(b) any proceedings before a Standing Civilian Court;

and “conviction” includes the recording of a finding that a charge in respect of the offence has been proved.”

*Animal Welfare Act 2006 (c. 45)*

96 Section 8(6) of the Animal Welfare Act 2006 (penalties for offences relating to provision of information society services) ceases to have effect.

*Legal Services Act 2007 (c. 29)*

97 In Schedule 23 to the Legal Services Act 2007 (repeals), in the second column of the entry for the Constitutional Reform Act 2005 (c. 4), omit “1(2)”.

*Criminal Justice and Immigration Act 2008 (c. 4)*

98 (1) The Criminal Justice and Immigration Act 2008 is amended as follows.

(2) In section 11(6) and (7) for “(1A)(b)” substitute “(1A)(c)”.

(3) In paragraph 76 of Schedule 4—

(a) in sub-paragraph (3) for “(1A)(a)” substitute “(1A)(b)”, and

(b) in sub-paragraph (5)(b) and (6) for “(1A)(b)” (in each place it occurs) substitute “(1A)(c)”.

(4) In Schedule 1, in paragraph 30 (date of taking effect of youth rehabilitation orders etc)—

(a) in sub-paragraph (1)—

(i) for “sub-paragraph (2)” substitute “sub-paragraphs (1A) and (2)”, and

(ii) omit “the day after”,

(b) after that sub-paragraph insert—

“(1A) A court making a youth rehabilitation order may order that it is to take effect instead on a later date.”, and

(c) in sub-paragraph (2), for “If” substitute “In particular, if”.

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