

Changes to legislation: Coroners and Justice Act 2009, Schedule 3 is up to date with all changes known to be in force on or before 03 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 3

Section 23

APPOINTMENT ETC OF SENIOR CORONERS, AREA CORONERS AND ASSISTANT CORONERS

PART 1

APPOINTMENT OF SENIOR, AREA AND ASSISTANT CORONERS

Appointment of senior coroners

- 1 (1) The relevant authority for each coroner area must appoint a coroner (the “senior coroner”) for that area.
- (2) In the case of a coroner area that consists of the areas of two or more local authorities, the relevant authority for the area must consult the other authorities before making an appointment under this paragraph.
- (3) A person may not be appointed as a senior coroner unless the Lord Chancellor and the Chief Coroner consent to the appointment of that person.

Commencement Information

II Sch. 3 para. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

Appointment of area and assistant coroners

- 2 (1) The Lord Chancellor may by order require the appointment, for any coroner area, of—
- (a) an area coroner, or a specified number of area coroners;
 - (b) a minimum number of assistant coroners.
- (2) Before making an order under this paragraph in relation to a particular coroner area, the Lord Chancellor must consult—
- (a) the Chief Coroner, and
 - (b) every local authority whose area falls within the coroner area (or, as the case may be, the local authority whose area is the same as the coroner area).
- (3) The relevant authority for a coroner area in relation to which provision is made under sub-paragraph (1)(a) must appoint an area coroner or, as the case may be, the number of area coroners specified for the area in the order.
- (4) The relevant authority for a coroner area in relation to which provision is made under sub-paragraph (1)(b) must appoint at least the number of assistant coroners specified for the area in the order.

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- (5) A person may not be appointed as an area coroner or assistant coroner unless the Lord Chancellor and the Chief Coroner consent to the appointment of that person.

Commencement Information

I2 Sch. 3 para. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

PART 2

QUALIFICATIONS OF SENIOR, AREA AND ASSISTANT CORONERS

- 3 To be eligible for appointment as a senior coroner, area coroner or assistant coroner, a person must—
- (a) be under the age of ^{F1}75], and
 - (b) satisfy the judicial-appointment eligibility condition on a 5-year basis.

Textual Amendments

F1 Word in Sch. 3 para. 3(a) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), Sch. 1 para. 38(2)(a) (with Sch. 1 para. 43)

Commencement Information

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

- 4 (1) A person who is a councillor for a local authority, or has been during the previous 6 months, may not be appointed as the senior coroner, or as an area coroner or assistant coroner, for a coroner area that is the same as or includes the area of that local authority.
- (2) In the application of this paragraph to the Common Council, the reference to a councillor is to be read as a reference to an alderman of the City of London or a common councillor.

Commencement Information

I4 Sch. 3 para. 4 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

PART 3

VACANCIES; FUNCTIONS OF AREA AND ASSISTANT CORONERS

Filling of vacancies

- 5 (1) This paragraph applies where a vacancy occurs—
- (a) in the office of senior coroner for an area, or
 - (b) in an office of area coroner for an area.
- (2) The relevant authority for the area must—

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- (a) give notice in writing of the vacancy to the Lord Chancellor and the Chief Coroner as soon as practicable after the vacancy occurs;
- (b) appoint a person to fill the vacancy under paragraph 1 or 2 (as the case may be) within 3 months of the vacancy occurring, or within whatever further period the Lord Chancellor allows;
- (c) give notice in writing of the appointment of a person to fill the vacancy to the Lord Chancellor and the Chief Coroner as soon as practicable after it is filled.

Commencement Information

I5 Sch. 3 para. 5 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

- 6 (1) This paragraph applies where—
- (a) a vacancy occurs in an office of assistant coroner for an area, and
 - (b) the vacancy causes the number of assistant coroners for the area to fall below (or further below) the minimum number specified under paragraph 2(1)(b).
- (2) Within 3 months of the vacancy occurring, or within whatever further period the Lord Chancellor allows, the relevant authority for the area must appoint a person to fill the vacancy.

Commencement Information

I6 Sch. 3 para. 6 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

Person to act as senior coroner in case of vacancy

- 7 (1) This paragraph applies where a vacancy occurs in the office of senior coroner for an area.
- (2) Subject to sub-paragraph (3), the area coroner for the area (or, if there is more than one such area coroner, whichever of them is nominated by the relevant authority for the area) is to act as senior coroner for the area while the office remains vacant.
 - (3) Where there is no area coroner for the area, whichever assistant coroner for the area is nominated by the relevant authority for the area is to act as senior coroner for the area while the office remains vacant.
 - (4) In the case of a coroner area that consists of the area of two or more local authorities, the relevant authority for the area must consult the other authority or authorities before making a nomination under this paragraph.
 - (5) A person who acts as senior coroner for an area by virtue of this paragraph is to be treated for all purposes of this Part of this Act (except those of this paragraph and paragraphs 1 to 5 and 9 to 19 of this Schedule) as being the senior coroner for the area.

Commencement Information

I7 Sch. 3 para. 7 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

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Functions of area and assistant coroners

- 8 (1) An area coroner or assistant coroner for an area may perform any functions of the senior coroner for the area (including functions which that senior coroner has by virtue of section 2 or 3)—
- (a) during a period when that senior coroner is absent or unavailable;
 - (b) at any other time, with the consent of that senior coroner.
- (2) Accordingly a reference in a statutory provision (whenever made) to a senior coroner is to be read, where appropriate, as including an area coroner or assistant coroner.

Commencement Information

I8 Sch. 3 para. 8 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

PART 4

TERMS OF OFFICE OF SENIOR, AREA AND ASSISTANT CORONERS

Status of office

- 9 The offices of senior coroner, area coroner and assistant coroner are not to be regarded as freehold offices.

Commencement Information

I9 Sch. 3 para. 9 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

Vacation or termination of office

- 10 A senior coroner, area coroner or assistant coroner must vacate office on reaching the age of [F275].

Textual Amendments

F2 Word in Sch. 3 para. 10 substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), Sch. 1 para. 38(2)(b) (with Sch. 1 para. 43)

Commencement Information

I10 Sch. 3 para. 10 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

- 11 (1) The senior coroner or an area coroner or assistant coroner for an area (“the relevant coroner area”) must vacate office immediately if—
- (a) he or she becomes a councillor for a local authority, and
 - (b) the area of that local authority is the same as or falls within the relevant coroner area.
- (2) In the application of this paragraph to the Common Council, the reference to a councillor is to be read as a reference to an alderman of the City of London or a common councillor.

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Commencement Information

I11 Sch. 3 para. 11 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

- 12 The senior coroner or an area coroner or assistant coroner for an area may resign office by giving notice in writing to the relevant authority for the area.

Commencement Information

I12 Sch. 3 para. 12 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

- 13 (1) The Lord Chancellor may, with the agreement of the Lord Chief Justice, remove a senior coroner, area coroner or assistant coroner from office for incapacity or misbehaviour.
- (2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise the functions of the Lord Chief Justice under sub-paragraph (1).

Commencement Information

I13 Sch. 3 para. 13 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

Discipline

- 14 Chapter 3 of Part 4 of the Constitutional Reform Act 2005 (c. 4) (discipline) applies in relation to the offices of senior coroner, area coroner and assistant coroner as it would apply if those offices were listed in Schedule 14 to that Act.

Commencement Information

I14 Sch. 3 para. 14 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

Salary of senior and area coroners

- 15 (1) The senior coroner for an area is entitled to a salary.
- (2) The amount of the salary is to be whatever is from time to time agreed by the senior coroner and the relevant authority for the area.
- (3) If the senior coroner and the relevant authority cannot agree about an alteration in the amount of the salary—
- (a) either of them may refer the matter to the Lord Chancellor;
 - (b) the Lord Chancellor may determine the amount of the salary and the date on which it is to become payable.
- Any alteration in the amount of salary is to take effect in accordance with the Lord Chancellor's determination.
- (4) In making a determination under sub-paragraph (3), the Lord Chancellor must have regard—
- (a) to the nature and extent of the coroner's functions, and

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- (b) to all the circumstances of the case.
- (5) The salary to which the senior coroner for an area is entitled under this paragraph is payable by the relevant authority for the area.
- (6) This paragraph applies in relation to an area coroner for an area as it applies in relation to the senior coroner for an area (references to the senior coroner being read as references to an area coroner).

Commencement Information

I15 Sch. 3 para. 15 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

Fees payable to assistants

- 16
- (1) An assistant coroner for an area is entitled to fees.
 - (2) The amount of the fees is to be whatever is agreed from time to time by the assistant coroner and the relevant authority for the area.
 - (3) The fees to which an assistant coroner for an area is entitled under this paragraph are payable by the relevant authority for the area.

Commencement Information

I16 Sch. 3 para. 16 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

Pensions for senior and area coroners

- 17
- A relevant authority for a coroner area must make provision for the payment of pensions, allowances or gratuities to or in respect of persons who are or have been senior coroners or area coroners for the area.

Commencement Information

I17 Sch. 3 para. 17 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

Prohibition on receipt of fees etc

- 18
- Except as permitted by or under this or any other Act, a senior coroner, area coroner or assistant coroner may not accept any remuneration or fee in respect of anything done by that coroner in the performance of his or her functions.

Commencement Information

I18 Sch. 3 para. 18 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

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Other terms of office

- 19 Subject to the preceding provisions of this Part, the senior coroner or an area coroner or assistant coroner for an area holds office on whatever terms are from time to time agreed by that coroner and the relevant authority for the area.

Commencement Information

I19 [Sch. 3 para. 19](#) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(j\)](#)

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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\(2\)](#)