

1999 No. 3325

CORONERS, ENGLAND AND WALES

The Coroners (Amendment) Rules 1999

Made - - - *9th December 1999*

Coming into force *1st January 2000*

The Lord Chancellor, in exercise of the powers conferred on him by section 32 of the Coroners Act 1988(a) and with the concurrence of the Secretary of State, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Coroners (Amendment) Rules 1999 and shall come into force on 1st January 2000.

Interpretation

2. In these Rules, “the principal Rules” means the Coroners Rules 1984(b).

Amendments to the principal Rules

3. In rule 2(1) of the principal Rules—

- (a) for the definitions of “the Act of 1887” and “the Act of 1926”, substitute “ “the 1988 Act” means the Coroners Act 1988”;
- (b) in the definition of “appropriate officer”, for “section 3A of the Act 1887”, substitute “section 9 of the 1988 Act”;
- (c) in the definition of “post-mortem examination”, for “section 21 of the Act of 1887 or under section 21(1) or 22(1) of the Act of 1926”, substitute “sections 19 to 21 of the 1988 Act”;
- (d) omit the definition of “the Registration Acts”; and
- (e) in the definition of “special examination”, for “section 22(1) of the Act of 1926”, substitute “section 20(4) of the 1988 Act”.

4. In rule 20(1) of the principal Rules, for “counsel or solicitor”—

- (a) in the first place where it occurs, substitute “an authorised advocate as defined by section 119(1) of the Courts of Legal Services Act 1990(c)”; and
- (b) in the second place where it occurs, substitute “such an advocate”.

5. In rule 29 of the principal Rules, for “the Registration Acts”, substitute “the Births and Deaths Registration Act 1953(d)”.

6. In rules 29 and 30 of the principal Rules, for “section 20(4) of the Act of 1926” substitute “section 16(4) of the 1988 Act”.

7. In rule 31 of the principal Rules—

- (a) for “section 20(5) or section 20(7) of the Act of 1926”, substitute “section 16(5) or 16(7) of the 1988 Act”;

(a) 1988 c. 13.

(b) S.I. 1984/552, to which there has been an amendment not relevant to the subject matter of these Rules; the Coroners Rules 1984 have effect as if made under section 32 of the Coroners Act 1988 by virtue of section 17(2)(b) of the Interpretation Act 1978 (c. 30).

(c) 1990 c. 41.

(d) 1953 c. 20.

- (b) for “section 20(9) or section 20(10)”, substitute “section 17”; and
- (c) in both places where it occurs, for “section 20(8)”, substitute “section 17”.

8. In rule 32 of the principal Rules, for “section 20 of the Act of 1926”, substitute “sections 16 and 17 of the 1988 Act”.

9. In rule 33(1) of the principal Rules, for “section 20 of the Act of 1926”, substitute “sections 16 to 17A of the 1988 Act(a)”.

10. In rule 35 of the principal Rules, for “section 20 of the Act of 1926”, substitute “sections 16 and 17 of the 1988 Act”.

11. After rule 37 of the principal Rules, insert—

“Public inquiry findings

37A.—(1) Notwithstanding the provisions of Rule 37, at an inquest resumed after having been adjourned pursuant to section 17A of the 1988 Act, the coroner may admit documentary evidence relevant to the purposes of the inquest and containing the findings of the public inquiry to which section 17A(1)(a) refers.

(2) Before admitting such documentary evidence, the coroner shall at the beginning of the resumed inquest announce publicly—

- (a) that the findings of the public inquiry may be admitted,
- (b) the title, date of publication and a brief account of those findings, and
- (c) that any person who, in the opinion of the coroner, is within Rule 20(2) is entitled to see a copy of any such documentary evidence if he so wishes.

(3) Any documentary evidence admitted under this Rule shall, unless the coroner otherwise directs, be read aloud at the inquest.”.

12. In rules 44, 47, 49, 50, 51(1) and 52 of the principal Rules, for “section 3 of the Act of 1887”, substitute “section 8 of the 1988 Act”.

13. In rules 46(a) and 48 of the principal Rules, for “section 3A of the Act of 1887”, substitute “section 9 of the 1988 Act”.

14. In rule 57(1) of the principal Rules, for “section 21 of the Act of 1926”, substitute “section 19 of the 1988 Act”.

15. In paragraph (a) of form 5 (notice to accompany summons and reply thereto) in Schedule 4 (forms) to the principal Rules—

- (a) for “over eighteen and under sixty-five”, substitute “not less than eighteen nor more than seventy years of age”; and
- (b) for “*sixty-fifth*”, substitute “*seventieth*”.

16. In form 10 (direction to medical practitioner to make post-mortem examination) in Schedule 4 (forms) to the principal Rules, for “section 21 of the [Coroners Act 1887] [Coroners (Amendment) Act 1926]”, substitute “section 19 or 21 of the Coroners Act 1988”.

17. In forms 15 (notice that an inquest which is adjourned in pursuance of section 20 of the Coroners (Amendment) Act 1926 will not be resumed) and 16 (notice that an inquest which is adjourned in pursuance of section 20 of the Coroners (Amendment) Act 1926 will be resumed) in Schedule 4 (forms) to the principal Rules, for “section 20 of the Coroners (Amendment) Act 1926”, substitute “sections 16, 17 or 17A of the Coroners Act 1988”.

18. In form 22 (inquisition) in Schedule 4 (forms) to the principal Rules, insert after “C.D. died as a result of accident/misadventure” in footnote 4(b) “C.D. died in the disaster (*insert name of disaster which was subject of a public inquiry*)”.

Lord Chancellor’s Department
8th December 1999

Irvine of Lairg

I concur,

Home Office
9th December 1999

Paul Boateng
Minister of State

(a) Section 17A was inserted by section 71(1) of the Access to Justice Act 1999 (c. 22).

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Coroners Rules 1984 in two main respects. First, rule 4 provides for authorised advocates (as defined in section 119(1) of the Courts and Legal Services Act 1990) to be entitled to examine witnesses at an inquest on behalf of interested persons rather than only barristers and solicitors. Secondly, rules 9, 11 and 18 make provision in respect of an inquest which is resumed following an adjournment for a public inquiry under section 17A of the Coroners Act 1988 (as inserted by section 71 of the Access to Justice Act 1999). In particular, rule 11 makes provision for admitting the findings of the public inquiry as documentary evidence at the resumed inquest.

The remaining rules amend statutory references to take account of the consolidation of the legislation on coroners in the Coroners Act 1988. Rule 15 takes account of the amendment made by section 119(1) of the Criminal Justice Act 1988 (c. 33).

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£1.50

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WO 5884 12/99 ON (MFK)