



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 1

#### CORONERS ETC

### CHAPTER 6

#### GOVERNANCE ETC

#### **35 Chief Coroner and Deputy Chief Coroners**

- (1) Schedule 8 makes provision about the appointment etc of the Chief Coroner and Deputy Chief Coroners.
- (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 any of the functions of the Lord Chief Justice under Schedule 8.

#### **36 Reports and advice to the Lord Chancellor from the Chief Coroner**

- (1) The Chief Coroner must give the Lord Chancellor a report for each calendar year.
- (2) The report must cover—
  - (a) matters that the Chief Coroner wishes to bring to the attention of the Lord Chancellor;
  - (b) matters that the Lord Chancellor has asked the Chief Coroner to cover in the report.
- (3) The report must contain an assessment for the year of the consistency of standards between coroners areas.
- (4) The report must also contain a summary for the year of—
  - (a) the number and length of—

---

*Status: This is the original version (as it was originally enacted).*

---

- (i) investigations in respect of which notification was given under subsection (1)(a) or (b) of section 16, and
  - (ii) investigations that were not concluded or discontinued by the end of the year and in respect of which notification was given under subsection (1)(a) of that section in a previous year,
- as well as the reasons for the length of those investigations and the measures taken with a view to keeping them from being unnecessarily lengthy;
- (b) the number, nature and outcome of appeals under section 40(1), (3), (4), (5) or (9);
  - (c) the matters recorded under paragraph 4 of Schedule 5;
  - (d) the matters reported under paragraph 7 of that Schedule and the responses given under sub-paragraph (2) of that paragraph.
- (5) A report for a year under this section must be given to the Lord Chancellor by 1 July in the following year.
- (6) The Lord Chancellor must publish each report given under this section and must lay a copy of it before each House of Parliament.
- (7) If requested to do so by the Lord Chancellor, the Chief Coroner must give advice to the Lord Chancellor about particular matters relating to the operation of the coroner system.

### **37 Regulations about training**

- (1) The Chief Coroner may, with the agreement of the Lord Chancellor, make regulations about the training of—
- (a) senior coroners, area coroners and assistant coroners;
  - (b) the Coroner for Treasure and Assistant Coroners for Treasure;
  - (c) coroners' officers and other staff assisting persons within paragraph (a) or (b).
- (2) The regulations may (in particular) make provision as to—
- (a) the kind of training to be undertaken;
  - (b) the amount of training to be undertaken;
  - (c) the frequency with which it is to be undertaken.

### **38 Medical Adviser and Deputy Medical Advisers to the Chief Coroner**

Schedule 9 makes provision about the appointment etc of the Medical Adviser to the Chief Coroner and Deputy Medical Advisers to the Chief Coroner.

### **39 Inspection of coroner system**

- (1) It is the duty of inspectors of court administration appointed under section 58(1) of the [Courts Act 2003 \(c. 39\)](#) (“the 2003 Act”) to inspect and report to the Lord Chancellor on the operation of the coroner system.
- (2) Subsection (1) is not to be read as enabling the inspectors—
- (a) to inspect persons making judicial decisions or exercising any judicial discretion;
  - (b) to inspect the Chief Coroner or a Deputy Chief Coroner carrying out any functions as such.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) The Chief Inspector appointed under section 58(3) of the 2003 Act must report to the Lord Chancellor on any matter connected with the operation of the coroner system that the Lord Chancellor refers to the Chief Inspector.
- (4) An inspector exercising functions under subsection (1) may—
- (a) enter any place of work occupied by a senior coroner or the Coroner for Treasure or by an officer or member of staff provided for a senior coroner or the Coroner for Treasure;
  - (b) inspect and take copies of any records kept by any of those persons that relate to the operation of the coroner system and are considered by the inspector to be relevant to the discharge of his or her functions.
- Paragraph 1(3) of Schedule 10 (under which a reference to a senior coroner may include the Chief Coroner) does not apply for the purposes of paragraph (a).
- (5) Subsection (4)(a) does not entitle an inspector—
- (a) to be present during an inquest, or a part of an inquest, from which people have been excluded by a direction given by virtue of section 45(3);
  - (b) to attend any private deliberations of persons having jurisdiction to make any determination or finding.
- (6) Section 61(4) and (5) of the 2003 Act (records kept on computers) applies to inspections under subsection (4)(b) above as it applies to inspections under section 61(2) of that Act (power to inspect court support system records).
- (7) The powers conferred by subsection (4) or by virtue of subsection (6) may be exercised at reasonable times only.
- (8) If a report under subsection (1) or (3) recommends the taking of any action by a senior coroner or the Coroner for Treasure, the Lord Chancellor may give a direction requiring the coroner to take the action within a period specified in the direction.

#### **40 Appeals to the Chief Coroner**

- (1) An interested person may appeal to the Chief Coroner against a decision made by a senior coroner that falls within subsection (2).
- (2) The decisions that fall within this subsection are—
- (a) a decision whether to conduct an investigation under this Part into a person's death;
  - (b) a decision whether to discontinue an investigation under section 4;
  - (c) a decision whether to resume, under Part 2 of Schedule 1, an investigation suspended under Part 1 of that Schedule;
  - (d) a decision not to request a post-mortem examination under section 14;
  - (e) a decision to request a post-mortem examination under that section of a body that has already been the subject of a post-mortem examination, unless the decision is to request an examination of a different kind from the one already carried out;
  - (f) a decision to give a notice under paragraph 1 of Schedule 5;
  - (g) a decision whether there should be a jury at an inquest;
  - (h) a decision whether to exercise a power conferred by virtue of section 45(3)(a) to exclude persons from all or part of an inquest;

---

*Status: This is the original version (as it was originally enacted).*

---

- (i) a decision embodied in a determination as to the questions mentioned in section 5(1)(a) and (b) (read with section 5(2) where applicable);
  - (j) a decision embodied in a finding as to the particulars required by the 1953 Act to be registered concerning a death.
- (3) An interested person may appeal to the Chief Coroner against a decision made by the Coroner for Treasure (or an Assistant Coroner for Treasure) in connection with—
- (a) an object that is or may be treasure or treasure trove, or
  - (b) an investigation or inquest under Chapter 4 concerning such an object,
- including a decision embodied in the determination of a question mentioned in section 26(5)(a) or (b).
- (4) An interested person may appeal to the Chief Coroner against a failure to make—
- (a) a decision that falls within subsection (2), or
  - (b) a decision of a kind mentioned in subsection (3).
- (5) A person who the coroner decides is not an interested person may appeal to the Chief Coroner against that decision.
- (6) The Lord Chancellor may by order amend subsection (2).
- (7) On an appeal under this section the Chief Coroner may consider evidence about any matter that appears to be relevant to the substance of the decision, determination or finding, including evidence that concerns a matter arising after the date of the decision, determination or finding.
- (8) On an appeal under this section the Chief Coroner may, if the appeal is allowed, do one or more of the following—
- (a) in the case of an appeal against a decision embodied in a determination or finding—
    - (i) amend the determination or finding, or
    - (ii) quash the determination or finding and order a fresh investigation under this Part;
  - (b) in the case of an appeal against a decision not embodied in a determination or finding—
    - (i) substitute any other decision that could have been made, or
    - (ii) quash the decision and remit the matter for a fresh decision;
  - (c) in the case of an appeal against a failure to make a decision—
    - (i) make any decision that could have been made, or
    - (ii) remit the matter for a decision to be made;
  - (d) make any order (including an order as to costs) that the Chief Coroner thinks appropriate.
- (9) A party to an appeal under this section may appeal on a question of law to the Court of Appeal from a decision of the Chief Coroner.
- (10) On an appeal under subsection (9) the Court of Appeal may—
- (a) affirm the decision;
  - (b) substitute for the decision any decision that the Chief Coroner could have made;
  - (c) quash the decision and remit the matter to the Chief Coroner for a fresh decision.

**41 Investigation by Chief Coroner or Coroner for Treasure or by judge, former judge or former coroner**

Schedule 10 makes provision for an investigation into a person's death to be carried out by the Chief Coroner or the Coroner for Treasure or by a judge, former judge or former coroner.

**42 Guidance by the Lord Chancellor**

- (1) The Lord Chancellor may issue guidance about the way in which the coroner system is expected to operate in relation to interested persons within section 47(2)(a).
- (2) Guidance issued under this section may include provision—
  - (a) about the way in which such persons are able to participate in investigations under this Part into deaths;
  - (b) about the rights of such persons to appeal under section 40;
  - (c) about the role of coroners' officers and other staff in helping such persons to participate in investigations and to exercise rights of appeal.

This subsection is not to be read as limiting the power in subsection (1).

- (3) The Lord Chancellor may amend or revoke any guidance issued under this section.
- (4) The Lord Chancellor must consult the Chief Coroner before issuing, amending or revoking any guidance under this section.