



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 1

#### CORONERS ETC

### CHAPTER 7

#### SUPPLEMENTARY

#### *Regulations and rules*

#### **43 Coroners regulations**

- (1) The Lord Chancellor may make regulations—
- for regulating the practice and procedure at or in connection with investigations under this Part (other than the practice and procedure at or in connection with inquests);
  - for regulating the practice and procedure at or in connection with examinations under section 14;
  - for regulating the practice and procedure at or in connection with exhumations under paragraph 6 of Schedule 5.

Regulations under this section are referred to in this Part as “Coroners regulations”.

- (2) Coroners regulations may be made only if—
- the Lord Chief Justice, or
  - a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) nominated for the purposes of this subsection by the Lord Chief Justice,
- agrees to the making of the regulations.
- (3) Coroners regulations may make—

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- (a) provision for the discharge of an investigation (including provision as to fresh investigations following discharge);
- (b) provision for or in connection with the suspension or resumption of investigations;
- (c) provision for the delegation by a senior coroner, area coroner or assistant coroner of any of his or her functions;
- (d) provision allowing information to be disclosed or requiring information to be given;
- (e) provision giving to the Lord Chancellor or the Chief Coroner power to require information from senior coroners;
- (f) provision requiring a summary of specified information given to the Chief Coroner by virtue of paragraph (e) to be included in reports under section 36;
- (g) provision with respect to the preservation, retention, release or disposal of bodies (including provision with respect to reinterment and with respect to the issue of orders authorising burial);
- (h) provision, in relation to authorisations under paragraph 3 of Schedule 5 or entry and search under such authorisations, equivalent to that made by any provision of sections 15 and 16 of the Police and Criminal Evidence Act 1984 (c. 60), subject to any modifications the Lord Chancellor thinks appropriate;
- (i) provision, in relation to the power of seizure conferred by paragraph 3(4)(a) of that Schedule, equivalent to that made by any provision of section 21 of that Act, subject to any modifications the Lord Chancellor thinks appropriate;
- (j) provision about reports under paragraph 7 of that Schedule.

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

- (4) Coroners regulations may apply any provisions of Coroners rules.
- (5) Where Coroners regulations apply any provisions of Coroners rules, those provisions—
  - (a) may be applied to any extent;
  - (b) may be applied with or without modifications;
  - (c) may be applied as amended from time to time.

#### Commencement Information

**II** S. 43 in force at 2.7.2013 by S.I. 2013/1628, art. 2(a)

PROSPECTIVE

#### 44 Treasure regulations

- (1) The Lord Chancellor may make regulations for regulating the practice and procedure at or in connection with investigations under this Part concerning objects that are or may be treasure or treasure trove (other than the practice and procedure at or in connection with inquests concerning such objects).

Regulations under this section are referred to in this Part as “Treasure regulations”.

- (2) Treasure regulations may be made only if—
  - (a) the Lord Chief Justice, or

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(b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) nominated for the purposes of this subsection by the Lord Chief Justice,

agrees to the making of the regulations.

(3) Treasure regulations may make—

- (a) provision for the discharge of an investigation (including provision as to fresh investigations following discharge);
- (b) provision for or in connection with the suspension or resumption of investigations;
- (c) provision for the delegation by the Coroner for Treasure (or an Assistant Coroner for Treasure) of any of his or her functions;
- (d) provision allowing information to be disclosed or requiring information to be given;
- (e) provision giving to the Lord Chancellor or the Chief Coroner power to require information from the Coroner for Treasure;
- (f) provision requiring a summary of specified information given to the Chief Coroner by virtue of paragraph (e) to be included in reports under section 36;
- (g) provision of the kind mentioned in paragraph (h) or (i) of section 43(3).

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

(4) Treasure regulations may apply any provisions of Coroners rules.

(5) Where Treasure regulations apply any provisions of Coroners rules, those provisions—

- (a) may be applied to any extent;
- (b) may be applied with or without modifications;
- (c) may be applied as amended from time to time.

## 45 Coroners rules

(1) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 (c. 4)—

(a) for regulating the practice and procedure at or in connection with inquests;

<sup>F1</sup>(b) .....

<sup>F1</sup>(c) .....

Rules under this section are referred to in this Part as “Coroners rules”.

(2) Coroners rules may make—

- (a) provision about evidence (including provision requiring evidence to be given on oath except in prescribed cases);
- (b) provision for the discharge of a jury (including provision as to the summoning of new juries following discharge);
- (c) provision for the discharge of an inquest (including provision as to fresh inquests following discharge);
- (d) provision for or in connection with the adjournment or resumption of inquests;
- (e) provision for a senior coroner to have power to give a direction, in proceedings at an inquest, allowing or requiring a name or other matter not to be disclosed except to persons specified in the direction;

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- (f) provision for the delegation by—
- (i) a senior coroner, area coroner or assistant coroner, or
  - (ii) the Coroner for Treasure (or an Assistant Coroner for Treasure),
- of any of his or her functions, except for functions that involve making judicial decisions or exercising any judicial discretion;
- (g) provision with respect to the disclosure of information;
- (h) provision for persons to be excused from service as jurors at inquests in cases specified in the rules;
- (i) provision as to the matters to be taken into account by the Coroner for Treasure in deciding whether to hold an inquest concerning an object that is or may be treasure or treasure trove;
- <sup>F2</sup>(j) .....
- (3) Coroners rules may make provision conferring power on a senior coroner or the Coroner for Treasure—
- (a) to give a direction excluding specified persons from an inquest, or part of an inquest, if the coroner is of the opinion that the interests of national security so require;
  - (b) to give a direction excluding specified persons from an inquest during the giving of evidence by a witness under the age of 18, if the coroner is of the opinion that doing so would be likely to improve the quality of the witness's evidence.
- In this subsection “specified persons” means persons of a description specified in the direction, or all persons except those of a description specified in the direction.
- (4) Subsections (2) and (3) are not to be read as limiting the power in subsection (1).
- (5) Coroners rules may apply—
- (a) any provisions of Coroners regulations;
  - (b) any provisions of Treasure regulations;
  - (c) any rules of court that relate to proceedings other than inquests.
- (6) Where any provisions or rules are applied by virtue of subsection (5), they may be applied—
- (a) to any extent;
  - (b) with or without modifications;
  - (c) as amended from time to time.
- (7) Practice directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 (c. 4) on any matter that could otherwise be included in Coroners rules.
- (8) Coroners rules may, instead of providing for a matter, refer to provision made or to be made by practice directions under subsection (7).
- (9) In this section “rules of court” include any provision governing the practice and procedure of a court that is made by or under an enactment.

#### Textual Amendments

**F1** S. 45(1)(b)(c) repealed (14.2.2012) by [Public Bodies Act 2011 \(c. 24\)](#), ss. 33(2), 38(1)

**F2** S. 45(2)(j) repealed (14.2.2012) by [Public Bodies Act 2011 \(c. 24\)](#), ss. 33(2), 38(1)

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#### Commencement Information

**12** S. 45 in force at 2.7.2013 by S.I. 2013/1628, art. 2(b)

VALID FROM 25/07/2013

#### *Coroner of the Queen's household*

#### **46 Abolition of the office of coroner of the Queen's household**

The office of coroner of the Queen's household is abolished.

#### *Interpretation*

#### **47 “Interested person”**

- (1) This section applies for the purposes of this Part.
- (2) “Interested person”, in relation to a deceased person or an investigation or inquest under this Part into a person's death, means—
  - (a) a spouse, civil partner, partner, parent, child, brother, sister, grandparent, grandchild, child of a brother or sister, stepfather, stepmother, half-brother or half-sister;
  - (b) a personal representative of the deceased;
  - (c) a medical examiner exercising functions in relation to the death of the deceased;
  - (d) a beneficiary under a policy of insurance issued on the life of the deceased;
  - (e) the insurer who issued such a policy of insurance;
  - (f) a person who may by any act or omission have caused or contributed to the death of the deceased, or whose employee or agent may have done so;
  - (g) in a case where the death may have been caused by—
    - (i) an injury received in the course of an employment, or
    - (ii) a disease prescribed under section 108 of the Social Security Contributions and Benefits Act 1992 (c. 4) (benefit in respect of prescribed industrial diseases, etc),a representative of a trade union of which the deceased was a member at the time of death;
  - (h) a person appointed by, or representative of, an enforcing authority;
    - (i) where subsection (3) applies, a chief constable;
    - (j) where subsection (4) applies, a Provost Marshal;
  - (k) where subsection (5) applies, the Independent Police Complaints Commission;
  - (l) a person appointed by a Government department to attend an inquest into the death or to assist in, or provide evidence for the purposes of, an investigation into the death under this Part;
  - (m) any other person who the senior coroner thinks has a sufficient interest.
- (3) This subsection applies where it appears that a person has or may have committed—

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- (a) a homicide offence involving the death of the deceased, or
  - (b) a related offence (other than a service offence).
- (4) This subsection applies where it appears that a person has or may have committed—
- (a) the service equivalent of a homicide offence involving the death of the deceased, or
  - (b) a service offence that is a related offence.
- (5) This subsection applies where the death of the deceased is or has been the subject of an investigation managed or carried out by the Independent Police Complaints Commission in accordance with Part 3 of Schedule 3 to the Police Reform Act 2002 (c. 30), including that Part as extended or applied by or under any statutory provision (whenever made).
- (6) “Interested person”, in relation to an object that is or may be treasure or treasure trove, or an investigation or inquest under Chapter 4 concerning such an object, means—
- (a) the British Museum, if the object was found or is believed to have been found in England;
  - (b) the National Museum of Wales, if the object was found or is believed to have been found in Wales;
  - (c) the finder of the object or any person otherwise involved in the find;
  - (d) the occupier, at the time the object was found, of the land where it was found or is believed to have been found;
  - (e) a person who had an interest in that land at that time or who has had such an interest since;
  - (f) any other person who the Coroner for Treasure thinks has a sufficient interest.
- (7) For the purposes of this section, 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.

#### 48 Interpretation: general

- (1) In this Part, unless the context otherwise requires—
- “the 1953 Act” means the Births and Deaths Registration Act 1953 (c. 20);
  - “the 1988 Act” means the Coroners Act 1988 (c. 13);
  - “active service” means service in—
    - (a) an action or operation against an enemy (within the meaning given by section 374 of the Armed Forces Act 2006 (c. 52)),
    - (b) an operation outside the British Islands for the protection of life or property, or
    - (c) the military occupation of a foreign country or territory;
  - “area”, in relation to a senior coroner, area coroner or assistant coroner, means the coroner area for which that coroner is appointed;
  - “area coroner” means a person appointed under paragraph 2(3) of Schedule 3;
  - “assistant coroner” means a person appointed under paragraph 2(4) of Schedule 3;
  - “Assistant Coroner for Treasure” means an assistant coroner, designated under paragraph 7 of Schedule 4, acting in the capacity of Assistant Coroner for Treasure;

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“body” includes body parts;

“chief constable” means—

- (a) a chief officer of police (within the meaning given in section 101(1) of the Police Act 1996 (c. 16));
- (b) the Chief Constable of the Ministry of Defence Police;
- (c) the Chief Constable of the Civil Nuclear Constabulary;
- (d) the Chief Constable of the British Transport Police;

“the Chief Coroner” means a person appointed under paragraph 1 of Schedule 8;

“the Common Council” means the Common Council of the City of London, and “common councillor” is to be read accordingly;

“coroner area” is to be read in accordance with paragraph 1 of Schedule 2;

“the Coroner for Treasure” means a person appointed under paragraph 1 of Schedule 4;

“Coroners regulations” means regulations under section 43;

“Coroners rules” means rules under section 45;

“the coroner system” means the system of law and administration relating to investigations and inquests under this Part;

“the court of trial” means—

- (a) in relation to an offence (other than a service offence) that is tried summarily, the magistrates' court by which the offence is tried;
- (b) in relation to an offence tried on indictment, the Crown Court;
- (c) in relation to a service offence, a commanding officer, a Court Martial or the Service Civilian Court (depending on the person before whom, or court before which, it is tried);

“Deputy Chief Coroner” means a person appointed under paragraph 2 of Schedule 8;

“document” includes information stored in an electronic form;

“enforcing authority” has the meaning given by section 18(7) of the Health and Safety at Work etc. Act 1974 (c. 37);

“functions” includes powers and duties;

“homicide offence” has the meaning given in paragraph 1(6) of Schedule 1;

“interested person” is to be read in accordance with section 47;

“land” includes premises within the meaning of the Police and Criminal Evidence Act 1984 (c. 60);

“local authority” means—

- (a) in relation to England, a county council, the council of any district comprised in an area for which there is no county council, a London borough council, the Common Council or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council;

“medical examiner” means a person appointed under section 19;

“person”, in relation to an offence of corporate manslaughter, includes an organisation;

“prosecuting authority” means—

- (a) the Director of Public Prosecutions, or

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- (b) a person of a description prescribed by an order made by the Lord Chancellor;
- “related offence” has the meaning given in paragraph 1(6) of Schedule 1;
- “relevant authority”, in relation to a coroner area, has the meaning given by paragraph 3 of Schedule 2 (and see paragraph 2 of Schedule 22);
- “senior coroner” means a person appointed under paragraph 1 of Schedule 3;
- “the service equivalent of a homicide offence” has the meaning given in paragraph 1(6) of Schedule 1;
- “service offence” has the meaning given by section 50(2) of the Armed Forces Act 2006 (c. 52) (read without regard to any order under section 380 of that Act) and also includes an offence under—
- (a) Part 2 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18) or paragraph 4(6) of Schedule 5A to that Act,
  - (b) Part 2 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or paragraph 4(6) of Schedule 5A to that Act, or
  - (c) Part 1 or section 47K of the Naval Discipline Act 1957 (c. 53) or paragraph 4(6) of Schedule 4A to that Act;
- “service police force” means—
- (a) the Royal Navy Police,
  - (b) the Royal Military Police, or
  - (c) the Royal Air Force Police;
- “state detention” has the meaning given by subsection (2);
- “statutory provision” means provision contained in, or in an instrument made under, any Act (including this Act);
- “treasure” means anything that is treasure for the purposes of the Treasure Act 1996 (c. 24) (and accordingly does not include anything found before 24 September 1997);
- “Treasure regulations” means regulations under section 44;
- “treasure trove” does not include anything found on or after 24 September 1997.
- (2) A person is in state detention if he or she is compulsorily detained by a public authority within the meaning of section 6 of the Human Rights Act 1998 (c. 42).
  - (3) For the purposes of this Part, the area of the Common Council is to be treated as including the Inner Temple and the Middle Temple.
  - (4) A reference in this Part to a coroner who is responsible for conducting an investigation under this Part into a person's death is to be read as a reference to the coroner who is under a duty to conduct the investigation, or who would be under such a duty but for the suspension of the investigation under this Part.
  - (5) A reference in this Part to producing or providing a document, in relation to information stored in an electronic form, is to be read as a reference to producing or providing a copy of the information in a legible form.



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### Northern Ireland and Scotland amendments

VALID FROM 29/02/2016

#### 49 Amendments to the Coroners Act (Northern Ireland) 1959

- (1) In section 13 of the Coroners Act (Northern Ireland) 1959 (c. 15) (coroner may hold inquest), in subsection (1), for the words from “a coroner within whose district” to “an unexpected or unexplained death” substitute “a coroner—
  - (a) who is informed that the body of a deceased person is lying within his district; or
  - (b) in whose district an unexpected or unexplained death.”
- (2) Schedule 11 inserts provisions into the Coroners Act (Northern Ireland) 1959 corresponding to certain provisions in Schedules 5 and 6.

#### 50 Amendments to the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976

- (1) The Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (c. 14) is amended as follows.
- (2) After section 1 insert—

##### “1A Death of service personnel abroad

- (1) Subsection (4) applies where—
  - (a) the Lord Advocate is notified under section 12(4) or (5) of the Coroners and Justice Act 2009 in relation to a death,
  - (b) the death is within subsection (2) or (3), and
  - (c) the Lord Advocate—
    - (i) decides that it would be appropriate in the public interest for an inquiry under this Act to be held into the circumstances of the death, and
    - (ii) does not reverse that decision.
- (2) A death is within this subsection if the person who has died was, at the time of the death, in legal custody (as construed by reference to section 1(4)).
- (3) A death is within this subsection if it appears to the Lord Advocate that the death—
  - (a) was sudden, suspicious or unexplained, or
  - (b) occurred in circumstances such as to give rise to serious public concern.
- (4) The procurator fiscal for the appropriate district must—
  - (a) investigate the circumstances of the death, and
  - (b) apply to the sheriff for the holding of an inquiry under this Act into those circumstances.

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- (5) But subsection (4) does not extend to a death within subsection (2) if the Lord Advocate is satisfied that the circumstances of the death have been sufficiently established in the course of any criminal proceedings against any person in respect of the death.
- (6) An application under subsection (4)(b)—
- (a) is to be made to the sheriff of the appropriate sheriffdom,
  - (b) must narrate briefly the circumstances of the death so far as known to the procurator fiscal,
  - (c) may relate to more than one death if the deaths occurred in the same or similar circumstances.
- (7) It is for the Lord Advocate to determine the appropriate district and appropriate sheriffdom for the purposes of subsections (4) and (6)(a).”
- (3) In section 2 (citation of witnesses for precognition), in subsection (1), after “section 1(1)” insert “ or 1A(4) ”.
- (4) In section 3 (holding of public inquiry), in subsections (1) and (3), after “section 1” insert “ or 1A ”.
- (5) In section 6 (sheriff’s determination etc), in subsection (4)(a)(i), after “section 1” insert “ or 1A ”.

#### Commencement Information

**I3** S. 50 in force at 24.9.2012 by [S.I. 2012/2374](#), [art. 2\(b\)](#)

PROSPECTIVE

### *Amendments of Access to Justice Act 1999*

#### **F<sup>3</sup>51 Public funding for advocacy at certain inquests**

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#### Textual Amendments

**F3** S. 51 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); [S.I. 2013/453](#), [art. 3\(h\)](#) (with savings and transitional provisions in [S.I. 2013/534](#), [art. 6](#))

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