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*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Coroners and Justice Act 2009, Cross Heading: Resumption of investigation suspended under paragraph 2 is up to date with all changes known to be in force on or before 14 July 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)*

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## SCHEDULES

### SCHEDULE 1

#### DUTY OR POWER TO SUSPEND OR RESUME INVESTIGATIONS

##### PART 2

#### RESUMPTION OF INVESTIGATIONS

##### *Resumption of investigation suspended under paragraph 2*

- 8 (1) An investigation that is suspended under paragraph 2 may not be resumed unless, but must be resumed if, the senior coroner thinks that there is sufficient reason for resuming it.
- (2) Subject to sub-paragraph (3)—
- (a) an investigation that is suspended under paragraph 2 may not be resumed while proceedings are continuing before the court of trial in respect of a homicide offence, or the service equivalent of a homicide offence, involving the death of the deceased;
  - (b) an investigation that is suspended by virtue of sub-paragraph (4) or (5) of that paragraph may not be resumed while proceedings are continuing before the court of trial in respect of the offence referred to in that sub-paragraph.
- (3) The investigation may be resumed while the proceedings in question are continuing if—
- (a) in the case of an investigation suspended by virtue of sub-paragraph (2) or (4) of paragraph 2, the relevant prosecuting authority informs the coroner that it has no objection to the investigation being resumed;
  - (b) in the case of an investigation suspended by virtue of sub-paragraph (3) or (5) of that paragraph, the Director of Service Prosecutions informs the coroner that he or she has no objection to the investigation being resumed.
- (4) For the purposes of sub-paragraph (3)(a), the relevant prosecuting authority—
- (a) in the case of an investigation suspended by virtue of sub-paragraph (2) of paragraph 2, is the prosecuting authority responsible for the prosecution in question;
  - (b) in the case of an investigation suspended by virtue of sub-paragraph (4) of that paragraph, is the prosecuting authority that made the request under that sub-paragraph.
- (5) In the case of an investigation resumed under this paragraph, a determination under section 10(1)(a) may not be inconsistent with the outcome of—
- (a) the proceedings in respect of the charge (or each charge) by reason of which the investigation was suspended;

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- (b) any proceedings that, by reason of sub-paragraph (2), had to be concluded before the investigation could be resumed.

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**Commencement Information**

**II** Sch. 1 para. 8 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

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