

*Status: Point in time view as at 25/07/2013.*

*Changes to legislation: Coroners and Justice Act 2009, Cross Heading: Visiting Forces Act 1952 (c. 67) is up to date with all changes known to be in force on or before 15 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)*

## SCHEDULES

### SCHEDULE 21

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

##### CORONERS ETC

###### *Visiting Forces Act 1952 (c. 67)*

- 5 (1) Section 7 of the Visiting Forces Act 1952 (provisions as to coroners' inquests etc) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Subsections (1A) and (1B) of this section apply if a coroner who has jurisdiction to conduct an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death is satisfied that the deceased person, at the time of the death, had a relevant association with a visiting force.
- (1A) If no investigation into the person's death has begun, the coroner shall not begin an investigation unless directed to do so by the Lord Chancellor.
- (1B) If an investigation into the person's death has begun but has not been completed, the coroner shall suspend the investigation unless directed not to do so by the Lord Chancellor.”
- (3) In subsection (2)—
- (a) for the words from “the last” to “a death” substitute “ subsections (1) to (1B) of this section, if in the course of an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death ”,
- (b) for “Secretary of State” substitute “ Lord Chancellor ”,
- (c) for the words from “adjourn the inquest” to “discharge the jury,” substitute “ suspend the investigation ”, and
- (d) for “at the inquest” substitute “ in the course of the investigation ”.
- (4) After subsection (2) insert—
- “(2A) A coroner who suspends an investigation under this section shall—
- (a) adjourn any inquest being held as part of the investigation, and
- (b) discharge any jury that has been summoned.
- (2B) The suspension of an investigation under this section does not prevent its suspension under Schedule 1 to the Coroners and Justice Act 2009; and *vice versa*.”
- (5) For subsection (3) substitute—

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- “(3) Where an investigation is suspended under this section, the coroner shall not resume it except on the direction of the Lord Chancellor.
- (3A) Where the investigation is resumed, the coroner must resume any inquest that was adjourned under subsection (2A).
- (3B) A resumed inquest may be held with a jury if the coroner thinks that there is sufficient reason for it to be held with one.”
- (6) In subsection (4), for the words from “the Secretary of State” to “to be held” substitute “ the Lord Chancellor under subsection (1A) or (3) of this section, an investigation is required to be conducted ”.
- (7) In subsection (5), for “section two of the said Act of 1926” substitute “ section 24 of the Births and Deaths Registration Act 1953 ”.
- (8) For subsection (7) substitute—
- “(7) In the application of this section to Northern Ireland—
- (a) in subsection (1), for “a coroner who has jurisdiction to conduct an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death” there is substituted “ a coroner who has jurisdiction under the Coroners Act (Northern Ireland) 1959 to hold an inquest into a person's death ”;
  - (b) in subsection (1A), for “no investigation” there is substituted “ no inquest ” and for “an investigation” there is substituted “ an inquest ”;
  - (c) in subsection (1B), for “an investigation” there is substituted “ an inquest ”, and for “suspend the investigation” there is substituted “ adjourn the inquest ”;
  - (d) in subsection (2)—
    - (i) for “in the course of an investigation under Part 1 of the Coroners and Justice Act 2009” there is substituted “ on an inquest ”;
    - (ii) for “suspend the investigation” there is substituted “ adjourn the inquest ”;
    - (iii) for “in the course of the investigation” there is substituted “ at the inquest ”;
  - (e) in subsection (2A), for the words from “suspends an investigation” to the end there is substituted “ adjourns an inquest under this section shall discharge any jury that has been summoned ”;
  - (f) in subsection (3), for “investigation is suspended” there is substituted “ inquest is adjourned ”;
  - (g) subsection (3A) is omitted;
  - (h) in subsection (3B), for “A resumed inquest” there is substituted “ An inquest resumed under this section ”;
  - (i) subsections (4) and (5) are omitted.”

#### Commencement Information

**II** Sch. 21 para. 5 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(i)

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