

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Coroners and Justice Act 2009, Schedule 6 is up to date with all changes known to be in force on or before 13 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 6

Section 33

#### OFFENCES

#### PART 1

#### OFFENCES RELATING TO JURORS

*[<sup>F1</sup> Serving while disqualified, failure to attend etc]*

##### Textual Amendments

- F1** Cross-heading inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 13 para. 4](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 79](#)

- 1 (1) It is an offence for a person to serve on a jury at an inquest if the person—
- (a) is disqualified from jury service (by reason of being a person listed in Part 2 of Schedule 1 to the Juries Act 1974 (c. 23)), and
  - (b) knows that he or she is disqualified from jury service.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

##### Commencement Information

- I1** Sch. 6 para. 1 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(1\)](#)

- 2 (1) It is an offence for a person—
- (a) to refuse without reasonable excuse to answer any question put under section 8(5),
  - (b) to give an answer to such a question knowing the answer to be false in a material particular, or
  - (c) recklessly to give an answer to such a question that is false in a material particular.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

##### Commencement Information

- I2** Sch. 6 para. 2 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(1\)](#)

- 3 (1) It is an offence for a person who is duly summoned as a juror at an inquest—

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- (a) to make any false representation, or
- (b) to cause or permit to be made any false representation on his or her behalf, with the intention of evading service as a juror at an inquest.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

**I3** Sch. 6 para. 3 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

- 4 (1) It is an offence for a person to make or cause to be made, on behalf of a person who has been duly summoned as a juror at an inquest, any false representation with the intention of enabling the other person to evade service as a juror at an inquest.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

**I4** Sch. 6 para. 4 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

- 5 (1) A senior coroner, or (as the case may be) the Coroner for Treasure, may impose a fine not exceeding £1000 on a person duly summoned as a juror at an inquest who—
- (a) fails without reasonable excuse to attend in accordance with the summons, or
  - (b) attends in accordance with the summons but refuses without reasonable excuse to serve as a juror.
- (2) But a fine may not be imposed under this paragraph unless the summons was duly served on the person in question not later than 14 days before the day on which he or she was required to attend.

#### Commencement Information

**I5** Sch. 6 para. 5 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

*[<sup>F2</sup>Research by jurors*

#### Textual Amendments

**F2** Sch. 6 paras. 5A-5C inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 13 para. 5](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 79](#) (with [Sch. 2 para. 3\(b\)](#))

- 5A (1) It is an offence for a member of a jury at an inquest to research the case during the inquest period, subject to the exceptions in sub-paragraphs (6) and (7).
- (2) A person researches a case if (and only if) the person—
- (a) intentionally seeks information, and
  - (b) when doing so, knows or ought reasonably to know that the information is or may be relevant to the inquest.

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- (3) The ways in which a person may seek information include—
- (a) asking a question,
  - (b) searching an electronic database, including by means of the internet,
  - (c) visiting or inspecting a place or object,
  - (d) conducting an experiment, and
  - (e) asking another person to seek the information.
- (4) Information relevant to the inquest includes information about—
- (a) a person involved in events relevant to the inquest,
  - (b) the senior coroner dealing with the inquest,
  - (c) any other person who is involved in the inquest, whether as a lawyer, a witness or otherwise,
  - (d) the law relating to the case,
  - (e) the law of evidence, and
  - (f) procedure at inquests.
- (5) “The inquest period”, in relation to a member of a jury at an inquest, is the period—
- (a) beginning when the person is sworn to inquire into the case, and
  - (b) ending when the senior coroner discharges the jury or, if earlier, when the senior coroner discharges the person.
- (6) It is not an offence under this paragraph for a person to seek information if the person needs the information for a reason which is not connected with the case.
- (7) It is not an offence under this paragraph for a person—
- (a) to attend proceedings at the inquest;
  - (b) to seek information from the senior coroner dealing with the case;
  - (c) to do anything which the senior coroner dealing with the case directs or authorises the person to do;
  - (d) to seek information from another member of the jury, unless the person knows or ought reasonably to know that the other member of the jury contravened this paragraph in the process of obtaining the information;
  - (e) to do anything else which is reasonably necessary in order for the jury to make a determination or finding in the case.
- (8) A person guilty of an offence under this paragraph is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (9) Proceedings for an offence under this paragraph may only be instituted by or with the consent of the Attorney General.

*Sharing research with other jurors*

- 5B (1) It is an offence for a member of a jury at an inquest intentionally to disclose information to another member of the jury during the inquest period if—
- (a) the member contravened paragraph 5A in the process of obtaining the information, and
  - (b) the information has not been provided at the inquest.
- (2) Information has been provided at the inquest if (and only if) it has been provided as part of—

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- (a) evidence presented at the inquest, or
  - (b) other information provided to the jury or a juror during the inquest period by, or with the permission of, the senior coroner dealing with the case.
- (3) A person guilty of an offence under this paragraph is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (4) Proceedings for an offence under this paragraph may not be instituted except by or with the consent of the Attorney General.
- (5) In this paragraph, “the inquest period” has the same meaning as in paragraph 5A.

*Jurors engaging in other prohibited conduct*

- 5C (1) It is an offence for a member of a jury at an inquest intentionally to engage in prohibited conduct during the inquest period, subject to the exceptions in subparagraphs (4) and (5).
- (2) “Prohibited conduct” means conduct from which it may reasonably be concluded that the person intends to make a determination or finding otherwise than on the basis of the evidence presented at the inquest.
- (3) An offence under this paragraph is committed whether or not the person knows that the conduct is prohibited conduct.
- (4) It is not an offence under this paragraph for a member of the jury to research the case (as defined in paragraph 5A(2) to (4)).
- (5) It is not an offence under this paragraph for a member of the jury to disclose information to another member of the jury.
- (6) A person guilty of an offence under this paragraph is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (7) Proceedings for an offence under this paragraph may not be instituted except by or with the consent of the Attorney General.
- (8) In this paragraph, “the inquest period” has the same meaning as in paragraph 5A.]

**[<sup>F3</sup>PART 1A**

OFFENCE RELATING TO JURY'S DELIBERATIONS

**Textual Amendments**

**F3** Sch. 6 Pt. 1A paras. 5D-5G inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 13 para. 6](#); [S.I. 2015/778, art. 3, Sch. 1 para. 79](#) (with [Sch. 2 para. 4\(b\)](#))

*Offence*

- 5D (1) It is an offence for a person intentionally—
- (a) to disclose information about statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in proceedings at an inquest, or

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- (b) to solicit or obtain such information,  
subject to the exceptions in paragraphs 5E to 5G.
- (2) A person guilty of an offence under this paragraph is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (3) Proceedings for an offence under this paragraph may not be instituted except by or with the consent of the Attorney General.

#### *Initial exceptions*

- 5E
- (1) It is not an offence under paragraph 5D for a person to disclose information in the inquest mentioned in paragraph 5D(1) for the purposes of enabling the jury to make findings or a determination or in connection with the delivery of findings or a determination.
  - (2) It is not an offence under paragraph 5D for the senior coroner dealing with that inquest to disclose information—
    - (a) for the purposes of dealing with the inquest, or
    - (b) for the purposes of an investigation by a relevant investigator into whether an offence or contempt of court has been committed by or in relation to a juror in the inquest.
  - (3) It is not an offence under paragraph 5D for a person who reasonably believes that a disclosure described in sub-paragraph (2)(b) has been made to disclose information for the purposes of the investigation.
  - (4) It is not an offence under paragraph 5D to publish information disclosed as described in sub-paragraph (1) or (2)(a) in the inquest mentioned in paragraph 5D(1).
  - (5) In this paragraph—
    - “publish” means make available to the public or a section of the public;
    - “relevant investigator” means—
      - (a) a police force;
      - (b) the Attorney General;
      - (c) any other person or class of person specified by the Lord Chancellor for the purposes of this paragraph by regulations.
  - (6) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this paragraph.

#### *Further exceptions*

- 5F
- (1) It is not an offence under paragraph 5D for a person to disclose information to a person listed in sub-paragraph (2) if—
    - (a) the disclosure is made after the jury at the inquest mentioned in paragraph 5D(1) has been discharged, and
    - (b) the person making the disclosure reasonably believes that—
      - (i) an offence or contempt of court has been, or may have been, committed by or in relation to a juror in connection with that inquest, or

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(ii) conduct of a juror in connection with that inquest may provide grounds for an application under section 13(1)(b) of the Coroners Act 1988.

(2) Those persons are—

- (a) a member of a police force;
- (b) the Attorney General's Office;
- (c) a judge of the High Court;
- (d) the Chief Coroner;
- (e) the senior coroner who dealt with the inquest mentioned in paragraph 5D(1);
- (f) a coroner's officer or a member of staff assisting a senior coroner who would reasonably be expected to disclose the information only to a person mentioned in paragraphs (b) to (e).

(3) It is not an offence under paragraph 5D for a member of a police force to disclose information for the purposes of obtaining assistance in deciding whether to submit the information to a person listed in sub-paragraph (2), provided that the disclosure does not involve publishing the information.

(4) It is not an offence under paragraph 5D for the Attorney General's Office or a judge of the High Court to disclose information for the purposes of an investigation by a relevant investigator into—

- (a) whether an offence or contempt of court has been committed by or in relation to a juror in connection with the inquest mentioned in paragraph 5D(1), or
- (b) whether conduct of a juror in connection with that inquest may provide grounds for an application under section 13(1)(b) of the Coroners Act 1988.

(5) It is not an offence under paragraph 5D for a person who reasonably believes that a disclosure described in sub-paragraph (4) has been made to disclose information for the purposes of the investigation.

(6) It is not an offence under paragraph 5D for a person to disclose information in evidence in—

- (a) proceedings for an offence or contempt of court alleged to have been committed by or in relation to a juror in connection with the inquest mentioned in paragraph 5D(1),
- (b) proceedings on an application to the High Court under section 13(1)(b) of the Coroners Act 1988 in connection with the inquest mentioned in paragraph 5D(1) where an allegation relating to conduct of or in relation to a juror forms part of the grounds for the application, or
- (c) proceedings on any further appeal, reference or investigation arising out of proceedings mentioned in paragraph (a) or (b).

(7) It is not an offence under paragraph 5D for a person to disclose information in the course of taking reasonable steps to prepare for proceedings described in sub-paragraph (6)(a) to (c).

(8) It is not an offence under paragraph 5D to publish information disclosed as described in sub-paragraph (6).

(9) In this paragraph—

“the Attorney General's Office” means the Attorney General, the Solicitor General or a member of staff of the Attorney General's Office;

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“publish” means make available to the public or a section of the public;  
“relevant investigator” means—

- (a) a police force;
- (b) the Attorney General;
- (c) the Criminal Cases Review Commission;
- (d) the Crown Prosecution Service;
- (e) a senior coroner, area coroner or assistant coroner;
- (f) any other person or class of person specified by the Lord Chancellor for the purposes of this paragraph by regulations.

- (10) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this paragraph.

*Exceptions for soliciting disclosures or obtaining information*

- 5G (1) It is not an offence under paragraph 5D to solicit a disclosure described in paragraph 5E(1) to (4) or paragraph 5F(1) to (8).
- (2) It is not an offence under paragraph 5D to obtain information—
- (a) by means of a disclosure described in paragraph 5E(1) to (4) or paragraph 5F(1) to (8), or
  - (b) from a document that is available to the public or a section of the public.]

## PART 2

### OFFENCES RELATING TO WITNESSES AND EVIDENCE

- 6 A senior coroner, or (as the case may be) the Coroner for Treasure, may impose a fine not exceeding £1000 on a person who fails without reasonable excuse to do anything required by a notice under paragraph 1 of Schedule 5.

#### Commencement Information

**I6** Sch. 6 para. 6 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(1\)](#)

- 7 (1) It is an offence for a person to do anything that is intended to have the effect of—
- (a) distorting or otherwise altering any evidence, document or other thing that is given, produced or provided for the purposes of an investigation under this Part of this Act, or
  - (b) preventing any evidence, document or other thing from being given, produced or provided for the purposes of such an investigation,
- or to do anything that the person knows or believes is likely to have that effect.
- (2) It is an offence for a person—
- (a) intentionally to suppress or conceal a document that is, and that the person knows or believes to be, a relevant document, or
  - (b) intentionally to alter or destroy such a document.
- (3) For the purposes of sub-paragraph (2) a document is a “relevant document” if it is likely that a person conducting an investigation under this Part of this Act would (if aware of its existence) wish to be provided with it.

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- (4) A person does not commit an offence under sub-paragraph (1) or (2) by doing anything that is authorised or required—
  - (a) by a senior coroner or the Coroner for Treasure, or
  - (b) by virtue of paragraph 2 of Schedule 5 or any privilege that applies.
- (5) Proceedings for an offence under sub-paragraph (1) or (2) may be instituted only by or with the consent of the Director of Public Prosecutions.
- (6) A person guilty of an offence under sub-paragraph (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to imprisonment for a term not exceeding 51 weeks, or to both.

#### Commencement Information

**I7** Sch. 6 para. 7 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

- 8 (1) It is an offence for a person, in giving unsworn evidence at an inquest by virtue of section 45(2)(a), to give false evidence in such circumstances that, had the evidence been given on oath, he or she would have been guilty of perjury.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding £1000, or to imprisonment for a term not exceeding 51 weeks, or to both.
- (3) In relation to a person under the age of 14, sub-paragraph (2) has effect as if for the words following “summary conviction” there were substituted “to a fine not exceeding £250”.
- (4) For the purposes of sub-paragraph (3), a person's age is to be taken to be that which it appears to the court to be after considering any available evidence.

#### Commencement Information

**I8** Sch. 6 para. 8 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

### PART 3

#### MISCELLANEOUS

- 9 (1) The powers of a senior coroner or the Coroner for Treasure under paragraph 5 or 6 are additional to, and do not affect, any other power the coroner may have—
  - (a) to compel a person to appear before him or her;
  - (b) to compel a person to give evidence or produce any document or other thing;
  - (c) to punish a person for contempt of court for failure to appear or to give evidence or to produce any document or other thing.
- (2) But a person may not be fined under paragraph 5 or 6 and also be punished under any such other power.



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#### Commencement Information

**I9** Sch. 6 para. 9 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

**10** In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), a reference in this Schedule to 51 weeks is to be read as a reference to 6 months.

#### Commencement Information

**I10** Sch. 6 para. 10 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

[<sup>F4</sup>**11** Nothing in paragraph 5A, 5B or 5C affects what constitutes contempt of court at common law.]

#### Textual Amendments

**F4** Sch. 6 para. 11 inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 13 para. 7](#); [S.I. 2015/778](#), art. 3, Sch. 1 para. 79

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