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STATUTORY INSTRUMENTS

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**2008 No. 1652**

**CORONERS, ENGLAND AND WALES**

**The Coroners (Amendment) Rules 2008**

<i>Made</i>	- - - -	<i>16th June 2008</i>
<i>Laid before Parliament</i>		<i>26th June 2008</i>
<i>Coming into force</i>	- -	<i>17th July 2008</i>

The Lord Chief Justice, with the agreement of the Lord Chancellor, makes the followings Rules in exercise of the powers conferred by section 32 of the Coroners Act 1988(1).

These Rules may be cited as the Coroners (Amendment) Rules 2008.

1. The Coroners Rules 1984(2) are amended in accordance with rules 2 and 3.
2. For rule 43 substitute—

**“Prevention of future deaths**

**43.—**(1) Where—

- (a) a coroner is holding an inquest into a person’s death;
- (b) the evidence gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future; and
- (c) in the coroner’s opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,

the coroner may report the circumstances to a person who the coroner believes may have power to take such action.

(2) A report under paragraph (1) may not be made until all the evidence has been heard except where a coroner, having adjourned an inquest under section 16 or 17A of the 1988 Act, does not resume it.

(3) A coroner who intends to make a report under paragraph (1) must announce this intention before the end of the inquest, but failure to do so will not prevent a report being made.

(4) The coroner making the report under paragraph (1)—

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(1) 1988 c.13. Section 32 was amended by paragraph 19 of Schedule 1 to the Constitutional Reform Act 2005 (c.4).  
(2) S.I. 1984/552, to which there are amendments not relevant to these Rules.

- (a) must send a copy of the report to—
  - (i) the Lord Chancellor; and
  - (ii) any person who has been served with a notice under rule 19; and
- (b) may send a copy of the report to any person who the coroner believes may find it useful or of interest.
- (5) On receipt of a report under paragraph (4)(a)(i), the Lord Chancellor may—
  - (a) publish a copy of the report, or a summary of it, in such manner as the Lord Chancellor thinks fit; and
  - (b) send a copy of the report to any person who the Lord Chancellor believes may find it useful or of interest (other than a person who has been sent a copy of the report under paragraph (4)(b)).

### **Response to report under rule 43**

**43A.**—(1) A person to whom a coroner sends a report under rule 43(1) must give the coroner a written response to the report containing—

- (a) details of any action that has been taken or which it is proposed will be taken whether in response to the report or otherwise; or
- (b) an explanation as to why no action is proposed

within the period of 56 days beginning with the day on which the report is sent.

- (2) On receipt of a response under paragraph (1), the coroner—
  - (a) must send a copy of the response to—
    - (i) the Lord Chancellor; and
    - (ii) except where paragraph (6) applies, any person who has been served with a notice under rule 19; and
  - (b) except where paragraph (6) applies, may send a copy of the response to any person who the coroner believes may find it useful or of interest.
- (3) Except where paragraph (6) applies, on receipt of a response under paragraph (2)(a)(i), the Lord Chancellor may—
  - (a) publish a copy of the response, or a summary of it, in such manner as the Lord Chancellor thinks fit; and
  - (b) send a copy of the response to any person who the Lord Chancellor believes may find it useful or of interest (other than a person who has been sent a copy of the report under paragraph (2)(b)).
- (4) A person giving a response under paragraph (1) may make written representations to the coroner about—
  - (a) the release, under paragraphs (2)(a)(ii) or (b) or (3)(b), of a copy of the response; or
  - (b) the publication, under paragraph (3)(a), of the response.
- (5) Representations under paragraph (4) must be made to the coroner no later than the time when the response is given under paragraph (1).
- (6) On receipt of representations under paragraph (4), the coroner may decide that the response should not—
  - (a) be released in full under paragraphs (2)(a)(ii) or (b) or (3)(b); or
  - (b) be published in full under paragraph (3)(a).

(7) If paragraph (6) applies—

- (a) the coroner must prepare a summary of the response; and
- (b) paragraphs (2) and (3) apply to the summary of the response prepared by the coroner as they apply to the response received under paragraph (1).

### **Extension of time**

**43B.** A coroner may extend the period of 56 days mentioned in rule 43A(1) (even if an application for extension is made after the time for compliance has expired).”.

3. After rule 57 insert—

### **“Supply of information concerning the death of children to Local Safeguarding Children Boards**

**57A.**—(1) Paragraph (2) applies if an inquest is to be held into the death of a deceased person or a post-mortem examination of the deceased’s body is to be made under section 19 of the 1988 Act and the coroner has reason to believe that the deceased was or may have been under the age of 18 at the time of death.

(2) The coroner must, within 3 working days beginning with the date on which the coroner makes a decision to hold an inquest into the death of the deceased or to direct or request a post-mortem examination of the body under section 19 of the 1988 Act, secure that the appropriate Local Safeguarding Children Board is notified of the death.

(3) A coroner may supply information to a Local Safeguarding Children Board for use for the purposes of its functions.

(4) In this rule—

“the appropriate Local Safeguarding Children Board” means the Board established under section 13(1) of the Children Act 2004<sup>(3)</sup> within whose area the body of the deceased is lying;

“information” means any information that is—

- (a) held by a coroner for the purposes of an inquest or a post-mortem examination under section 19 of the 1988 Act; and
- (b) relates to the death of a person who was or may have been under the age of 18 at the time of death;

“working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971<sup>(4)</sup>, in England and Wales.

(5) The requirements of paragraph (2) do not apply to a death—

- (a) which occurred before 1 April 2008; or
- (b) in relation to which a coroner decides to hold an inquest or direct or request a post-mortem examination under section 19 of the 1988 Act before 17th July 2008.”.

4. The provisions of rule 2 do not apply, and rule 43 of the Coroners Rules 1984 shall continue to apply, to a report under that rule made before 17th July 2008 as if it had not been amended by rule 2.

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(3) 2004 c. 31.

(4) 1971 c. 80.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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10th June 2008

*Phillips of Worth Matravers, CJ*

I agree these Rules, which shall come into force on 17th July 2008

16th June 2008

*Bridget Prentice*  
Parliamentary Under-Secretary of State,  
Ministry of Justice

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Coroners Rules 1984 ([S.I. 1984/552](#)).

Rule 2 amends rule 43 of the 1984 Rules to clarify when a coroner may report the circumstances of a death to a person who the coroner believes will have power to take action in relation to future deaths. The coroner will have power to give a copy of the report to the Lord Chancellor (who may publish it) and to interested persons and to any other person who may have an interest. The person to whom the report is made is required to give the coroner a written response to it. Provision is also made for a copy of the report, or a summary of it, to be given to the Lord Chancellor, interested persons and any other person who may have an interest.

Rule 3 inserts new rule 57A which requires a coroner to ensure that the appropriate Local Safeguarding Children Board (as defined in rule 57A(4)) is notified of a death if the coroner believes that the deceased was or may have been under 18 at the time of death. By rule 57A(3), a coroner may supply information to a Local Safeguarding Children Board for use for the purposes of its functions.

An impact assessment has not been produced for this instrument as no impact on business, the private or voluntary sectors is foreseen.