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STATUTORY INSTRUMENTS

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**2013 No. 1616**

**The Coroners (Inquests) Rules 2013**

**PART 1**

**Introduction**

**Citation and commencement**

1. These Rules may be cited as the Coroners (Inquests) Rules 2013 and shall come into force on 25th July 2013.

**Interpretation**

2.—(1) In these Rules—

“the 2009 Act” means the Coroners and Justice Act 2009;

“bank holiday” means a day designated as a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>(1)</sup>;

“copy” means in relation to a document, anything on to which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“coroner” means—

- (a) a senior coroner, area coroner or assistant coroner;
- (b) the Chief Coroner when conducting an inquest; or
- (c) a judge, former judge or former coroner conducting an inquest in accordance with Schedule 10 to the 2009 Act;

“document” means any medium in which information of any description is recorded or stored;

“working day” means a day that is not a Saturday, a Sunday, a bank holiday, Christmas Day or Good Friday.

(2) All references to section and schedule provisions in these Rules are references to provisions in the 2009 Act, unless a rule specifically states otherwise.

(3) Any reference to a Form in these Rules is a reference to a Form in the Schedule to these Rules.

**Application to existing inquests**

3.—(1) These Rules apply to any inquest which has not been completed before 25th July 2013.

(2) Any direction, time limit, adjournment or other decision made by the coroner in relation to an inquest made before 25th July 2013 shall stand.

## PART 2

### Formalities

4. This Part applies where a coroner is under a duty to hold an inquest under section 6.

#### **Opening of an inquest**

5.—(1) An inquest must be opened as soon as reasonably practicable after the date on which the coroner considers that the duty under section 6 applies.

(2) At the opening of the inquest, the coroner must, where possible, set the dates on which any subsequent hearings are scheduled to take place.

#### **Pre-inquest review hearing**

6. A coroner may at any time during the course of an investigation and before an inquest hearing hold a pre-inquest review hearing.

#### **Days on which an inquest may be held**

7. An inquest must be held on a working day, unless the coroner considers that there is an urgent reason for holding it on some other day.

#### **Timing of an inquest**

8. A coroner must complete an inquest within six months of the date on which the coroner is made aware of the death, or as soon as is reasonably practicable after that date.

#### **Notification of inquest hearing arrangements**

9.—(1) A coroner must notify the next of kin or personal representative of the deceased of the date, time and place of the inquest hearing within one week of setting the date of the inquest hearing.

(2) A coroner must notify any other interested persons who have made themselves known to the coroner of the date, time and place of the inquest hearing within one week of setting the date of the inquest hearing.

(3) Where an inquest hearing is to be held, the coroner must make details of the date, time and place of the inquest hearing publicly available before the inquest hearing commences.

#### **Coroner to notify interested persons of any alteration of arrangements for an inquest hearing**

10.—(1) Where the date, time or place of the inquest hearing is altered the coroner must notify the next of kin or personal representative of the deceased, and any other interested persons who have made themselves known to the coroner, of the alteration within one week of the decision to alter.

(2) The coroner must make the details of any alteration made under paragraph (1) publicly available within one week of the decision to alter.

#### **Inquest hearings to be held in public**

11.—(1) A coroner must open an inquest in public.

(2) Where the coroner does not have immediate access to a court room or other appropriate premises, the coroner may open the inquest privately and then announce that the inquest has been opened at the next inquest hearing held in public.

(3) An inquest hearing and any pre-inquest hearing must be held in public unless paragraph (4) or (5) applies.

(4) A coroner may direct that the public be excluded from an inquest hearing, or any part of an inquest hearing if the coroner considers it would be in the interests of national security to do so.

(5) A coroner may direct that the public be excluded from a pre-inquest review hearing if the coroner considers it would be in the interests of justice or national security to do so.

## PART 3

### Disclosure

**12.** This Part applies to the disclosure of documents by the coroner during or after the course of an investigation, pre-inquest review or inquest.

#### **Disclosure of documents at the request of an interested person**

**13.—**(1) Subject to rule 15, where an interested person asks for disclosure of a document held by the coroner, the coroner must provide that document or a copy of that document, or make the document available for inspection by that person as soon as is reasonably practicable.

(2) Documents to which this rule applies include—

- (a) any post-mortem examination report;
- (b) any other report that has been provided to the coroner during the course of the investigation;
- (c) where available, the recording of any inquest hearing held in public, but not in relation to any part of the hearing from which the public was excluded under rule 11(4) or (5);
- (d) any other document which the coroner considers relevant to the inquest.

#### **Managing disclosure**

**14.** A coroner may—

- (a) disclose an electronic copy of a document instead of, or in addition to, a paper copy;
- (b) disclose a redacted version of all or part of a document; or
- (c) make a document available for inspection at a particular time and place.

#### **Restrictions on disclosure**

**15.** A coroner may refuse to provide a document or a copy of a document requested under rule 13 where—

- (a) there is a statutory or legal prohibition on disclosure;
- (b) the consent of any author or copyright owner cannot reasonably be obtained;
- (c) the request is unreasonable;
- (d) the document relates to contemplated or commenced criminal proceedings; or
- (e) the coroner considers the document irrelevant to the investigation.

### Costs of disclosure

16. A coroner may not charge a fee for any document or copy of any document, disclosed to an interested person before or during an inquest<sup>(2)</sup>.

## PART 4

### Management of the inquest hearing

#### Evidence by video link

17.—(1) A coroner may direct that a witness may give evidence at an inquest hearing through a live video link.

(2) A direction may not be given under paragraph (1) unless the coroner determines that giving evidence in the way proposed would improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently.

(3) Before giving a direction under paragraph (1), the coroner must consider all the circumstances of the case, including in particular—

- (a) any views expressed by the witness or any interested person;
  - (b) whether it would be in the interests of justice or national security to give evidence by video link; and
  - (c) whether in the opinion of the coroner, giving evidence by video link would impede the effectiveness of the questioning of the witness.
- (4) A direction may be given under paragraph (1)—
- (a) on an application by the witness, or in the case of a child witness the parent or legal guardian of that witness;
  - (b) on an application by an interested person; or
  - (c) on the coroner’s own initiative.

#### Evidence given from behind a screen

18.—(1) A coroner may direct that a witness may give evidence at an inquest hearing from behind a screen.

(2) A direction may not be given under paragraph (1) unless the coroner determines that giving evidence in the way proposed would be likely to improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently.

(3) In making that determination, the coroner must consider all the circumstances of the case, including in particular—

- (a) any views expressed by the witness or an interested person;
- (b) whether it would be in the interests of justice or national security to allow evidence to be given from behind a screen; and
- (c) whether giving evidence from behind a screen would impede the effectiveness of the questioning of the witness by an interested person or a representative of the interested person.

(4) A direction may be given under paragraph (1)—

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(2) Fees may be charged for disclosure after an inquest has been completed in accordance with the Coroners Allowances, Fees and Expenses Regulations 2013 (S.I. 2013/1615).

- (a) on the application by the witness, or in the case of a child witness the parent or legal guardian of that witness;
- (b) on an application of an interested person; or
- (c) on the coroner's own initiative.

#### **Entitlement to examine witnesses**

**19.**—(1) A coroner must allow any interested person who so requests, to examine any witness either in person or by the interested person's representative.

(2) A coroner must disallow any question put to the witness which the coroner considers irrelevant.

#### **Evidence given on oath or affirmation**

**20.**—(1) A witness providing evidence at an inquest hearing shall be examined by the coroner on oath or affirmation subject to paragraph (2).

(2) A child under the age of 14, or a child aged 14 or over who is considered by the coroner to be unable to understand the nature of an oath or affirmation, may, on promising to tell the truth, be permitted to give unsworn evidence.

#### **Examination of witnesses**

**21.** Unless the coroner otherwise determines, a witness at an inquest hearing must be examined in the following order—

- (a) first by the coroner;
- (b) then by any interested person who has asked to examine the witness; and
- (c) if the witness is represented at the inquest, lastly by the witness's representative.

#### **Self incrimination**

**22.**—(1) No witness at an inquest is obliged to answer any question tending to incriminate him or her.

(2) Where it appears to the coroner that a witness has been asked such a question, the coroner must inform the witness that he or she may refuse to answer it.

#### **Written evidence**

**23.**—(1) Written evidence as to who the deceased was and how, when and where the deceased came by his or her death is not admissible unless the coroner is satisfied that—

- (a) it is not possible for the maker of the written evidence to give evidence at the inquest hearing at all, or within a reasonable time;
- (b) there is a good and sufficient reason why the maker of the written evidence should not attend the inquest hearing;
- (c) there is a good and sufficient reason to believe that the maker of the written evidence will not attend the inquest hearing; or
- (d) the written evidence (including evidence in admission form) is unlikely to be disputed.

(2) Before admitting such written evidence the coroner must announce at the inquest hearing—

- (a) what the nature of the written evidence to be admitted is;
- (b) the full name of the maker of the written evidence to be admitted in evidence;

- (c) that any interested person may object to the admission of any such written evidence; and
- (d) that any interested person is entitled to see a copy of any written evidence if he or she so wishes.

(3) A coroner must admit as evidence at an inquest hearing any document made by a deceased person if the coroner is of the opinion that the contents of the document are relevant to the purposes of the inquest.

(4) A coroner may direct that all or parts only of any written evidence submitted under this rule may be read aloud at the inquest hearing.

### **Inquiry findings**

**24.**—(1) A coroner may admit the findings of an inquiry, including any inquiry under the Inquiries Act 2005(3), if the coroner considers them relevant to the purposes of the inquest.

(2) Before admitting such inquiry findings as evidence, the coroner must announce publicly that—

- (a) the findings of the inquiry may be admitted as evidence;
- (b) the title of the inquiry, date of publication and a brief account of the findings; and
- (c) that any interested person is entitled to see a copy of the inquiry findings if he or she so wishes.

### **Adjournment and resumption of an inquest**

**25.**—(1) A coroner may adjourn an inquest if the coroner is of the view that it is reasonable to do so.

(2) The coroner must inform the next of kin or personal representative of the deceased and any other interested persons who have made themselves known to the coroner as soon as reasonably practicable of the decision to adjourn, the date of the decision to adjourn and the reason for the adjournment.

(3) The coroner must inform the next of kin or personal representative of the deceased and any other interested persons who have made themselves known to the coroner as soon as reasonably practicable of the date, time and place at which an adjourned inquest is to be resumed.

(4) A coroner must adjourn an inquest and notify the Director of Public Prosecutions, if during the course of the inquest, it appears to the coroner that the death of the deceased is likely to have been due to a homicide offence and that a person may be charged in relation to the offence.

### **Recording inquest hearings**

**26.** A coroner must keep a recording of every inquest hearing, including any pre-inquest review hearing.

### **No address as to facts**

**27.** No person may address the coroner or the jury as to the facts of who the deceased was and how, when and where the deceased came by his or her death.

## PART 5

### Jury inquests

**28.** This Part applies to inquests heard or to be heard with a jury.

#### **Method of summoning jurors**

**29.**—(1) A juror must be summoned using Form 1.

(2) Form 1 must be sent by post with a return envelope, to the juror or delivered by hand at his or her address as shown in the electoral register.

#### **Summoning in exceptional circumstances**

**30.** If it appears to the coroner that a jury will be, or probably will be, incomplete, the coroner may require any persons up to the number needed who are in, or in the vicinity of, the place of the inquest hearing to be summoned (without any written notice) for jury service.

#### **Certificate of attendance**

**31.** A person duly attending an inquest hearing to serve on a jury in compliance with a summons issued under rule 29 or rule 30 is entitled on request to the coroner to a certificate recording that fact.

#### **Validity of proceedings where jury not present**

**32.** Where an inquest hearing begins without a jury but a jury is subsequently summoned, the validity of anything done by the coroner before the jury was summoned is still effective.

#### **Summing up and directions to the jury**

**33.** Where the coroner sits with a jury, the coroner must direct the jury as to the law and provide the jury with a summary of the evidence.

## PART 6

### Record

#### **Record of the inquest**

**34.** A coroner or in the case of an inquest heard with a jury, the jury, must make a determination and any findings required under section 10 using Form 2.

Signed by the Lord Chief Justice

1st July 2013

*Judge, LJ*  
Lord Chief Justice

I agree  
Signed by authority of the Lord Chancellor

2nd July 2013

*Helen Grant*  
Parliamentary Under Secretary of State  
Ministry of Justice