

*Draft Order laid before Parliament under section 176(5) of the Coroners and Justice Act 2009, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**CORONERS, ENGLAND AND WALES**

The Coroners and Justice Act 2009  
(Consequential Provisions) Order 2013

Made - - - - - \*\*\*

*Coming into force in accordance with article 1*

The Lord Chancellor makes the following Order in the exercise of the powers conferred by section 177(3) and (4)(b) of the Coroners and Justice Act 2009<sup>(1)</sup>.

A draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 176(5) of the Coroners and Justice Act 2009.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Coroners and Justice Act 2009 (Consequential Provisions) Order 2013, and comes into force on the day after the day on which it is made.

(2) The amendments made by Article 2 have the same extent as the enactments to which they each relate.

**Amendment of the Coroners Act 1988**

2.—(1) The Coroners Act 1988<sup>(2)</sup> is amended as follows.

(2) In the heading of section 4A<sup>(3)</sup> (coroners' districts: Wales), for "Coroners' districts" substitute "Coroner areas".

(3) In section 4A(8)—

- (a) for "Except as provided by this Act, a coroner" substitute "A senior coroner";
- (b) for "coroner's district" substitute "coroner area";
- (c) in paragraph (a), for "coroner" substitute "senior coroner"; and
- (d) in paragraph (b), for "coroner" substitute "a senior coroner".

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(1) 2009 c. 25.

(2) 1988 c. 13.

(3) Section 4A(8) was inserted by the Local Government (Wales) Act 1994, section 66(6), Schedule 16, paragraph 82(5).

- (4) In the heading of section 13 (order to hold an inquest), for “inquest” substitute “investigation”.
- (5) In section 13—
- (a) in subsection (1)(a) after “inquest” insert “or an investigation”;
  - (b) in subsection (1)(b)—
    - (i) after “an inquest” insert “or an investigation”; and
    - (ii) for “another inquest” substitute “or an investigation (or as the case may be, another investigation)”;
  - (c) in subsection (2)(a) for “inquest or, as the case may be, another inquest” substitute “investigation under Part 1 of the Coroners and Justice Act 2009”;
  - (d) in subsection (2)(a)(ii) for “the coroner for another district in the same administrative area” substitute “a senior coroner, area coroner or assistant coroner in the same coroner area”;
  - (e) in subsection (2)(c) for “the inquisition on” substitute “any inquisition on, or determination or finding made at”;
  - (f) at the end insert—

“(4) For the purposes of this section, “coroner” means a coroner appointed under section 1 of this Act, or a senior coroner, area coroner or assistant coroner appointed under the Coroners and Justice Act 2009.”.

Signed by the authority of the Lord Chancellor

Date

*Name*  
Parliamentary Under Secretary of State  
Ministry of Justice

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## EXPLANATORY NOTE

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

This Order amends section 4A(8) and section 13 of the Coroners Act 1988 (c.13) (“the 1988 Act”). This is to ensure that the provisions are consistent with the provisions of Part 1 of the Coroners and Justice Act 2009 (c.25) (“the 2009 Act”).

Section 4A(8) of the 1988 Act (as amended by this Order) provides that senior coroners appointed to coroner areas in Wales, are to be treated as if they were appointed for the whole of Wales.

Section 13 of the 1988 Act (as amended by this Order) allows the High Court to order a senior coroner, area coroner or assistant coroner to investigate a death where another coroner (either appointed under the 1988 Act or 2009 Act) refused or neglected to hold an inquest or investigation which ought to be held, or where a previous inquest or investigation was held, but for one of the various reasons set out in section 13(1)(b) it is necessary in the interests of justice to hold an investigation (or as the case may be, another investigation).

The substantive provisions of Part 1 of the 2009 Act, and the repeal of the 1988 Act (with the exception of section 4A(8) and section 13(1) and (2)) will be commenced at the same time as this Order comes into force.