



# Coroners Act 1988

## 1988 CHAPTER 13

### *Medical witnesses and post-mortem examinations etc.*

#### **19 Post-mortem examination without inquest.**

- (1) Where a coroner is informed that the body of a person is lying within his district and there is reasonable cause to suspect that the person has died a sudden death of which the cause is unknown, the coroner may, if he is of opinion that a post-mortem examination may prove an inquest to be unnecessary—
- (a) direct any legally qualified medical practitioner whom, if an inquest were held, he would be entitled to summon as a medical witness under section 21 below; or
  - (b) request any other legally qualified medical practitioner,
- to make a post-mortem examination of the body and to report the result of the examination to the coroner in writing.

[<sup>F1</sup>(1A) No direction under subsection (1) above shall have effect to require a person to make a post-mortem examination if the making of the examination by him would contravene section 16(1) of the Human Tissue Act 2004 (under which a person may make a post-mortem examination only under the authority of a licence under that Act).]

- (2) For the purposes of a post-mortem examination under this section, the coroner and any person directed or requested by him to make the examination shall have the like powers, authorities and immunities as if the examination were a post-mortem examination directed by the coroner at an inquest into the death of the deceased.
- (3) Where a post-mortem examination is made under this section and the coroner is satisfied as a result of it that an inquest is unnecessary, he shall send to the registrar of deaths a certificate under his hand stating the cause of death as disclosed by the report of the person making the examination.
- (4) Nothing in this section shall be construed as authorising the coroner to dispense with an inquest in any case where there is reasonable cause to suspect that the deceased—
- (a) has died a violent or an unnatural death; or

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- (b) has died in prison or in such a place or in such circumstances as to require an inquest under any other Act.

#### Textual Amendments

**F1** S. 19(1A) inserted (1.9.2006) by [Human Tissue Act 2004 \(c. 30\)](#), ss. 56, 60, [Sch. 6 para. 3\(2\)](#); [S.I. 2006/1997](#), [art. 3\(2\)](#) (subject to [arts. 4, 7, and 8](#) (as added by [S.I. 2006/2169](#), [art. 2](#)))

## 20 Request to specially qualified person to make post-mortem and special examinations.

- (1) Without prejudice to the power of a coroner holding an inquest to direct a medical witness whom he may summon under section 21 below to make a post-mortem examination of the body of the deceased, the coroner may, at any time after he has decided to hold an inquest—
- (a) request any legally qualified medical practitioner to make a post-mortem examination of the body or a special examination of the body or both such examinations; or
  - (b) request any person whom he considers to possess special qualifications for conducting a special examination of the body to make such an examination.
- (2) If any person who has made a post-mortem or special examination in pursuance of such a request is summoned by the coroner as a witness, he may be asked to give evidence as to his opinion upon any matter arising out of the examination, and as to how, in his opinion, the deceased came by his death.
- (3) Where a person states upon oath before the coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, that medical practitioner or other person—
- (a) shall not be allowed to perform or assist at any post-mortem or special examination made for the purposes of the inquest into the death; but
  - (b) shall have the right, if he so desires, to be represented at any such post-mortem examination.
- (4) In this section “special examination”, in relation to a body, means a special examination by way of analysis, test or otherwise of such parts or contents of the body or such other substances or things as ought in the opinion of the coroner to be submitted to analyses, tests or other examination with a view to ascertaining how the deceased came by his death.

## 21 Summoning of medical witnesses and direction of post-mortem examinations.

- (1) In the case of an inquest into a death, the coroner may summon as a witness—
- (a) any legally qualified medical practitioner appearing to him to have attended at the death of the deceased or during the last illness of the deceased; or
  - (b) where it appears to him that no such practitioner so attended the deceased, any legally qualified medical practitioner in actual practice in or near the place where the death occurred;

and any medical witness summoned under this section may be asked to give evidence as to how, in his opinion, the deceased came by his death.

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- (2) Subject to subsection (3) below, the coroner may, either in his summons for the attendance of a medical witness or at any time between the issuing of that summons and the end of the inquest, direct the medical witness to make a post-mortem examination of the body of the deceased.
- (3) Where a person states upon oath before the coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, that medical practitioner or other person shall not be allowed to perform or assist at the post-mortem examination of the deceased.
- (4) If, in the case of an inquest with a jury, a majority of the jury are of opinion that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner or of other witnesses brought before them, they may in writing require the coroner—
  - (a) to summon as a witness some other legally qualified medical practitioner named by them; and
  - (b) to direct a post-mortem examination of the deceased to be made by a practitioner summoned under this subsection, whether or not such an examination has been previously made;

and if the coroner fails to comply with such a requisition, he shall be liable on conviction on indictment to a term of imprisonment not exceeding two years or to a fine or to both.

[<sup>F2</sup>(4A) No direction under this section shall have effect to require a person to make a post-mortem examination if the making of the examination by him would contravene section 16(1) of the Human Tissue Act 2004 (under which a person may make a post-mortem examination only under the authority of a licence under that Act).]

- (5) Where a medical practitioner fails to obey a summons of a coroner issued in pursuance of this section, he shall, unless he shows a good and sufficient cause for not having obeyed the summons, be liable on summary conviction, on the prosecution of the coroner or of any two of the jury, to a fine not exceeding [<sup>F3</sup>£1,000].

#### Textual Amendments

**F2** S. 21(4A) inserted (1.9.2006) by Human Tissue Act 2004 (c. 30), ss. 56, 60, **Sch. 6 para. 3(3)**; S.I. 2006/1997, **art. 3(2)** (subject to arts. 4, 7, and 8 (as added by S.I. 2006/2169, art. 2))

**F3** Words in s. 21(5) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. I** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.

#### Modifications etc. (not altering text)

**C1** S. 21(5): power to amend conferred (1.10.1992) by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 143, **Sch. 6A** (as substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. IV** (with s. 28)); S.I. 1992/333, art. 2(2), **Sch. 2**.

## 22 Removal of body for post mortem examination.

- (1) Subject to subsection (2) below, where by the direction or at the request of a coroner, a post-mortem examination of a body is to be made, the coroner may order the removal of the body to any place which may be provided for the purpose either within his district or within an adjoining district of another coroner.

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- (2) A coroner shall not order the removal of a body upon which a post-mortem examination is to be made to any place other than a place within his district provided by a local authority except with the consent of the person or authority by whom the place is provided.
- (3) The removal of a body in pursuance of an order made by a coroner under this section to any place outside his district shall not affect his powers and duties in relation to the body or the inquest into the death nor shall it confer or impose any rights, powers or duties upon any other coroner.
- (4) Where a coroner—
- (a) orders under this section the removal of a body to any place outside his district; and
  - (b) does not authorise the disposal of the body after examination,
- he shall order the removal of the body after examination to a place within his district.
- (5) The expenses of any removal ordered by a coroner under this section shall be defrayed as part of the expenses incurred by him in the course of his duties.
- (6) In this section—
- “disposal” has the same meaning as in the 1953 Act;
- “local authority” means the council of a [<sup>F4</sup>district, London borough or Welsh principal area] or the Common Council.

#### Textual Amendments

- F4** Words in s. 22(6) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

### 23 Exhumation of body for examination.

- (1) A coroner may order the exhumation of the body of a person buried within his district where it appears to him that it is necessary for the body to be examined—
- (a) for the purpose of his holding an inquest into that person’s death or discharging any other function of his in relation to the body or the death; or
  - (b) for the purposes of any criminal proceedings which have been instituted or are contemplated in respect of the death of that person or of some other person who came by his death in circumstances connected with the death of the person whose body is needed for examination.
- (2) The power of a coroner under this section shall be exercisable by warrant under his hand.
- (3) No body shall be ordered by a coroner to be exhumed except under this section.

#### Modifications etc. (not altering text)

- C2** S. 23 modified (1.9.2001) by 2001 c. 17, s. 35 (with ss. 27(3), 39, 78); S.I. 2001/2161, art. 2

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