



# Coroners Act 1988

## 1988 CHAPTER 13

### *Supplemental*

#### **32 Power to make rules**

- (1) The Lord Chancellor may, with the concurrence of the Secretary of State, make rules for regulating the practice and procedure at or in connection with inquests and post-mortem examinations and, in particular (without prejudice to the generality of the foregoing provision), such rules may provide—
  - (a) as to the procedure at inquests held without a jury;
  - (b) as to the issue by coroners of orders authorising burials;
  - (c) for empowering a coroner or his deputy or assistant deputy to alter the date fixed for the holding of any adjourned inquest within the district of the coroner;
  - (d) as to the procedure to be followed where a coroner decides not to resume an adjourned inquest; and
  - (e) as to the notices to be given, and as to the variation or discharge of any recognisances entered into by jurors or witnesses, where the date fixed for an adjourned inquest is altered or where a coroner decides not to resume an adjourned inquest.
- (2) Without prejudice to the generality of subsection (1) above, rules under this section may make provision for persons to be excused service as jurors at inquests in such circumstances as the rules may specify.
- (3) The power of the Lord Chancellor under this section to make rules with respect to any matter shall include power—
  - (a) to prescribe the forms to be used in connection with that matter;
  - (b) to revoke or amend, or substitute new forms for, any forms which are directed or authorised by or under any enactment to be used in connection with that matter.
- (4) The power to make rules under this section shall be exercisable by statutory instrument.

### **33 Savings for ex-officio coroners and judicial powers**

- (1) Nothing in this Act shall prejudice or affect the jurisdiction of a judge exercising the jurisdiction of a coroner by virtue of his office.
- (2) Nothing in this Act shall prejudice or affect—
  - (a) the jurisdiction of the Lord Chancellor or the High Court in relation to the removal of a coroner otherwise than in the manner provided by this Act; or
  - (b) the jurisdiction of the High Court in relation to or over a coroner or his duties.

### **34 Application of Act to Isles of Scilly**

- (1) Subject to subsection (2) below, this Act shall apply in relation to the Isles of Scilly as if those Isles were a non-metropolitan county and the Council of those Isles were the council of that county.
- (2) The power conferred on the Secretary of State by section 265 of the Local Government Act 1972 (application of that Act to the Isles of Scilly) shall include power to make an order providing for regulating the application of this Act to those Isles otherwise than as mentioned in subsection (1) above and such an order may amend or repeal that subsection accordingly.

### **35 Interpretation**

- (1) In this Act, unless the context otherwise requires—
  - “the 1953 Act” means the Births and Deaths Registration Act 1953;
  - “administrative area” means a metropolitan or non-metropolitan county or Greater London;
  - “the Common Council” means the Common Council of the City of London and “common councillor” shall be construed accordingly;
  - “the City” means the City of London (including the Inner Temple and the Middle Temple);
  - “Greater London” does not include the City;
  - “relevant council” has the meaning given by section 1(1) above.
- (2) In this Act references to an inquest held with a jury include, and references to an inquest held without a jury do not include, references to an inquest part of which is held with a jury.

### **36 Consequential amendments, repeals, transitional provisions and savings**

- (1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) The enactments and instruments mentioned in Schedule 4 to this Act (which include some that are spent) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.

- (4) Notwithstanding the repeal by this Act of section 13 of the Local Government Act 1985—
- (a) any coroner holding office immediately before 1st April 1986 and assigned to a coroner's district in a metropolitan county or in Greater London shall be deemed to have been duly appointed by the relevant council; and
  - (b) any orders made under section 12 of the Coroners (Amendment) Act 1926 and in force immediately before that date shall, so far as they affect a metropolitan county or Greater London, have effect as if made under section 4(1) above.
- (5) Notwithstanding the repeal by this Act of the Coroners Act 1887, anything mentioned in subsection (5) of section 45 of that Act which, immediately before the commencement of this Act, was in force by virtue of that subsection shall, except so far as it is inconsistent with this Act, remain in force.
- (6) Nothing in this section shall be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 (which relate to the effect of repeals).

**37 Short title, commencement and extent**

- (1) This Act may be cited as the Coroners Act 1988.
- (2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.