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Coroners and Justice Act 2009

2009 CHAPTER 25

PART 1

CORONERS ETC

VALID FROM 18/06/2018

CHAPTER 2

NOTIFICATION, CERTIFICATION AND REGISTRATION OF DEATHS

VALID FROM 09/07/2019

18 Notification by medical practitioner to senior coroner

- (1) The Lord Chancellor may make regulations requiring a registered medical practitioner, in prescribed cases or circumstances, to notify a senior coroner of a death of which the practitioner is aware.
- (2) Before making regulations under this section the Lord Chancellor must consult—
 - (a) the Secretary of State for Health [^{F1}and Social Care], and
 - (b) the Chief Coroner.

Textual Amendments

- F1** Words in s. 18(2)(a) inserted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), [Sch. para. 15\(a\)](#) (with art. 14)

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VALID FROM 01/10/2023

19 Medical examiners [: supplementary]

^{F2}(1)

^{F3}(2)

- (3) A person may be appointed as a medical examiner only if, at the time of the appointment, he or she—
- (a) is a registered medical practitioner and has been throughout the previous 5 years, and
 - (b) practises as such or has done within the previous 5 years.
- (4) The appropriate Minister may by regulations make—
- (a) provision about the terms of appointment of medical examiners and about termination of appointment;
 - (b) provision for the payment to medical examiners of remuneration, expenses, fees, compensation for termination of appointment, pensions, allowances or gratuities;
 - (c) provision as to training—
 - (i) to be undertaken as a precondition for appointment as a medical examiner;
 - (ii) to be undertaken by medical examiners;
 - (d) provision about the procedure to be followed in connection with the exercise of functions by medical examiners;
 - (e) provision conferring functions on medical examiners;
 - (f) provision for functions of medical examiners to be exercised, during a period of emergency, by persons not meeting the criteria in subsection (3).
- (5) Nothing in [section 18A or 18B or] this section, or in regulations under this section, gives [an English NHS body (as defined by section 18A) or a Welsh NHS body (as defined by section 18B)] any role in relation to the way in which medical examiners exercise their professional judgment as medical practitioners.
- (6) In this section “the appropriate Minister” means—
- (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers.
- (7) For the purposes of this section a “period of emergency” is a period certified as such by the Secretary of State on the basis that there is or has been, or is about to be, an event or situation involving or causing, or having the potential to cause, a substantial loss of human life throughout, or in any part of, England and Wales.
- (8) A certification under subsection (7) must specify—
- (a) the date when the period of emergency begins, and
 - (b) the date when it is to end.
- (9) Subsection (8)(b) does not prevent the Secretary of State certifying a new period of emergency in respect of the same event or situation.

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Textual Amendments

- F2** S. 19(1) omitted (1.10.2023) by virtue of Health and Care Act 2022 (c. 31), ss. 169(2)(b), 186(6); S.I. 2023/1035, reg. 2(b)
- F3** S. 19(2) omitted (1.10.2023) by virtue of Health and Care Act 2022 (c. 31), ss. 169(2)(b), 186(6); S.I. 2023/1035, reg. 2(b)

Commencement Information

- I1** S. 19 in force at 1.10.2023 by S.I. 2023/1036, art. 2(a)

VALID FROM 01/10/2023

20 Medical certificate of cause of death

- (1) The Secretary of State may by regulations make the following provision in relation to a death that is required to be registered under Part 2 of the 1953 Act—
- (a) provision requiring a registered medical practitioner who attended the deceased before his or her death (an “attending practitioner”)—
 - (i) to prepare a certificate stating the cause of death to the best of the practitioner's knowledge and belief (an “attending practitioner's certificate”), or
 - (ii) where the practitioner is unable to establish the cause of death, to refer the case to a senior coroner;
 - (b) provision requiring a copy of an attending practitioner's certificate to be given to a medical examiner;
 - (c) provision allowing an attending practitioner, if invited to do so by the medical examiner or a registrar, to issue a fresh attending practitioner's certificate superseding the existing one;
 - (d) provision requiring a senior coroner to refer a case to a medical examiner;
 - (e) provision requiring a medical examiner to make whatever enquiries appear to be necessary in order to confirm or establish the cause of death;
 - (f) provision requiring a medical examiner to whom a copy of an attending practitioner's certificate has been given—
 - (i) to confirm the cause of death stated on the certificate and to notify a registrar that the cause of death has been confirmed, or
 - (ii) where the examiner is unable to confirm the cause of death, to refer the case to a senior coroner;
 - (g) provision for an attending practitioner's certificate, once the cause of death has been confirmed as mentioned in paragraph (f), to be given to a registrar;
 - (h) provision requiring a medical examiner to whom a case has been referred by a senior coroner—
 - (i) to issue a certificate stating the cause of death to the best of the examiner's knowledge and belief (a “medical examiner's certificate”) and to notify a registrar that the certificate has been issued, or
 - (ii) where the examiner is unable to establish the cause of the death, to refer the case back to the coroner;
 - (i) provision for a medical examiner's certificate to be given to a registrar;

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- (j) provision allowing a medical examiner, if invited to do so by the registrar, to issue a fresh medical examiner's certificate superseding the existing one;
 - (k) provision requiring a medical examiner or someone acting on behalf of a medical examiner—
 - (i) to discuss the cause of death with the informant or with some other person whom the examiner considers appropriate, and
 - (ii) to give him or her the opportunity to mention any matter that might cause a senior coroner to think that the death should be investigated under section 1;
 - (l) provision for confirmation to be given in writing, either by the informant or by a person of a prescribed description, that the requirement referred to in paragraph (k) has been complied with;
 - (m) provision prescribing forms (including the form of an attending practitioner's certificate and of a medical examiner's certificate) for use by persons exercising functions under the regulations, and requiring the forms to be made available to those persons;
 - (n) provision requiring the Chief Medical Officer of the Department of Health [^{F4}and Social Care], after consulting—
 - (i) the Officer with corresponding functions in relation to Wales,
 - (ii) the Registrar General, and
 - (iii) the Statistics Board,
 to issue guidance as to how certificates and other forms under the regulations are to be completed;
 - (o) provision for certificates or other forms under the regulations to be signed or otherwise authenticated.
- (2) Regulations under subsection (1) imposing a requirement—
- (a) may prescribe a period within which the requirement is to be complied with;
 - (b) may prescribe cases or circumstances in which the requirement does, or does not, apply (and may, in particular, provide for the requirement not to apply during a period of emergency).
- (3) The power under subsection (1)(m) to prescribe forms is exercisable only after consultation with—
- (a) the Welsh Ministers,
 - (b) the Registrar General, and
 - (c) the Statistics Board.
- (4) Regulations under subsection (1) may provide for functions that would otherwise be exercisable by a registered medical practitioner who attended the deceased before his or her death to be exercisable, during a period of emergency, by a registered medical practitioner who did not do so.
- (5) The appropriate Minister may by regulations provide for a fee to be payable to a [^{F5}local authority] or Local Health Board in respect of—
- (a) a medical examiner's confirmation of the cause of death stated on an attending practitioner's certificate, or
 - (b) the issue of a medical examiner's certificate.

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(6) Section 7 of the Cremation Act 1902 (c. 8) (regulations as to burning) does not require the Secretary of State to make regulations, or to include any provision in regulations, if or to the extent that he or she thinks it unnecessary to do so in consequence of—

- (a) provision made by regulations under this Chapter or by Coroners regulations, or
- (b) provision contained in, or made by regulations under, Part 2 of the 1953 Act as amended by Part 1 of Schedule 21 to this Act.

(7) In this section—

“the appropriate Minister” has the same meaning as in section 19;

“informant”, in relation to a death, means the person who gave particulars concerning the death to the registrar under section 16 or 17 of the 1953 Act;

“period of emergency” has the same meaning as in section 19;

“the Statistics Board” means the body corporate established by section 1 of the Statistics and Registration Service Act 2007 (c. 18).

Textual Amendments

- F4** Words in s. 20(1)(n) inserted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), **Sch. para. 15(b)** (with art. 14)
- F5** Words in s. 20(5) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 54(3), 306(4)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

21 National Medical Examiner

- (1) The Secretary of State may appoint a person as National Medical Examiner.
- (2) The National Medical Examiner is to have—
- (a) the function of issuing guidance to medical examiners with a view to securing that they carry out their functions in an effective and proportionate manner;
 - (b) any further functions conferred by regulations made by the Secretary of State.
- (3) Before appointing a person as National Medical Examiner or making regulations under subsection (2)(b), the Secretary of State must consult the Welsh Ministers.
- (4) A person may be appointed as National Medical Examiner only if, at the time of the appointment, he or she—
- (a) is a registered medical practitioner and has been throughout the previous 5 years, and
 - (b) practises as such or has done within the previous 5 years.
- (5) The appointment of a person as National Medical Examiner is to be on whatever terms and conditions the Secretary of State thinks appropriate.
- (6) The Secretary of State may pay to the National Medical Examiner—

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- (a) amounts determined by the Secretary of State by way of remuneration or allowances;
 - (b) amounts determined by the Secretary of State towards expenses incurred in performing functions as such.
- (7) The National Medical Examiner may amend or revoke any guidance issued under subsection (2)(a).
- (8) The National Medical Examiner must consult the Welsh Ministers before issuing, amending or revoking any such guidance.
- (9) Medical examiners must have regard to any such guidance in carrying out their functions.

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