

Status: Point in time view as at 29/02/2016.

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SCHEDULES

SCHEDULE 1 **U.K.**

Section 11

DUTY OR POWER TO SUSPEND OR RESUME INVESTIGATIONS

PART 1 **U.K.**

SUSPENSION OF INVESTIGATIONS

Suspension where certain criminal charges may be brought

- 1 (1) A senior coroner must suspend an investigation under this Part of this Act into a person's death in the following cases.
- (2) The first case is where a prosecuting authority requests the coroner to suspend the investigation on the ground that a person may be charged with—
- (a) a homicide offence involving the death of the deceased, or
 - (b) an offence (other than a service offence) that is alleged to be a related offence.
- (3) The second case is where a Provost Marshal or the Director of Service Prosecutions requests the coroner to suspend the investigation on the ground that a person may be charged with—
- (a) the service equivalent of a homicide offence involving the death of the deceased, or
 - (b) a service offence that is alleged to be a related offence.
- (4) Subject to paragraphs 2 and 3, a suspension of an investigation under this paragraph must be for—
- (a) a period of 28 days beginning with the day on which the suspension first takes effect, or
 - (b) whatever longer period (beginning with that day) the coroner specifies.
- (5) The period referred to in sub-paragraph (4) may be extended or further extended—
- (a) in the first case, at the request of the authority by which the suspension was originally requested;
 - (b) in the second case, at the request of—
 - (i) the Provost Marshal by whom the suspension was originally requested, or
 - (ii) the Director of Service Prosecutions.
- (6) In this Act—
- “homicide offence” means—
 - (a) murder, manslaughter, corporate manslaughter or infanticide;
 - (b) an offence under any of the following provisions of the Road Traffic Act 1988 (c. 52)—

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- (i) section 1 (causing death by dangerous driving);
 - (ii) section 2B (causing death by careless, or inconsiderate, driving);
 - (iii) section 3ZB (causing death by driving: unlicensed ^{F1}... or uninsured drivers);
 - (iiia) [^{F2}section 3ZC (causing death by driving: disqualified drivers);]
 - (iv) section 3A (causing death by careless driving when under the influence of drink or drugs);
 - (c) an offence under section 2(1) of the Suicide Act 1961 (c. 60) (encouraging or assisting suicide);
 - (d) an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (c. 28) [^{F3}of causing or allowing the death of a child or vulnerable adult];
- “related offence” means an offence (including a service offence) that—
- (a) involves the death of the deceased, but is not a homicide offence or the service equivalent of a homicide offence, or
 - (b) involves the death of a person other than the deceased (whether or not it is a homicide offence or the service equivalent of a homicide offence) and is committed in circumstances connected with the death of the deceased;
- “the service equivalent of a homicide offence” means an offence under section 42 of the Armed Forces Act 2006 (c. 52) (or section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or section 42 of the Naval Discipline Act 1957 (c. 53)) corresponding to a homicide offence.

Textual Amendments

- F1** Word in Sch. 1 para. 1(6) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 6 para. 12\(2\)](#) (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F2** Words in Sch. 1 para. 1(6) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 6 para. 12\(3\)](#) (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F3** Words in Sch. 1 para. 1(6) substituted (2.7.2012) by [Domestic Violence, Crime and Victims \(Amendment\) Act 2012 \(c. 4\)](#), s. 4(2), [Sch. para. 12](#); S.I. 2012/1432, art. 2

Commencement Information

- I1** Sch. 1 para. 1 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(h\)](#)

Suspension where certain criminal proceedings are brought

- 2 (1) Subject to sub-paragraph (6), a senior coroner must suspend an investigation under this Part of this Act into a person's death in the following cases.
- (2) The first case is where the coroner—
 - (a) becomes aware that a person has appeared or been brought before a magistrates' court charged with a homicide offence involving the death of the deceased, or

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- (b) becomes aware that a person has been charged on an indictment with such an offence without having appeared or been brought before a magistrates' court charged with it.
- (3) The second case is where the coroner becomes aware that a person has been charged with the service equivalent of a homicide offence involving the death of the deceased.
- (4) The third case is where a prosecuting authority informs the coroner that a person—
 - (a) has appeared or been brought before a magistrates' court charged with an offence (other than a service offence) that is alleged to be a related offence, or
 - (b) has been charged on an indictment with such an offence without having been sent for trial for it,and the prosecuting authority requests the coroner to suspend the investigation.
- (5) The fourth case is where the Director of Service Prosecutions informs the coroner that a person has been charged with a service offence that is alleged to be a related offence, and the Director requests the coroner to suspend the investigation.
- (6) The coroner need not suspend the investigation—
 - (a) in the first case, if a prosecuting authority informs the coroner that it has no objection to the investigation continuing;
 - (b) in the second case, if the Director of Service Prosecutions informs the coroner that he or she has no objection to the investigation continuing;
 - (c) in any case, if the coroner thinks that there is an exceptional reason for not suspending the investigation.
- (7) In the case of an investigation that is already suspended under paragraph 1—
 - (a) a suspension imposed by virtue of sub-paragraph (2) of that paragraph comes to an end if, in reliance of sub-paragraph (6)(a) above, the coroner decides not to suspend the investigation;
 - (b) a suspension imposed by virtue of sub-paragraph (3) of that paragraph comes to an end if, in reliance on sub-paragraph (6)(b) above, the coroner decides not to suspend the investigation;
 - (c) a reference above in this paragraph to suspending an investigation is to be read as a reference to continuing the suspension of an investigation;
 - (d) if the suspension of the investigation is continued under this paragraph, the investigation is to be treated for the purposes of paragraphs 1(4), 7 and 8 of this Schedule as suspended under this paragraph (and not as suspended under paragraph 1).

Commencement Information

I2 Sch. 1 para. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

Suspension pending inquiry under Inquiries Act 2005

- 3 (1) Subject to sub-paragraph (2), a senior coroner must suspend an investigation under this Part of this Act into a person's death if—
 - (a) the Lord Chancellor requests the coroner to do so on the ground that the cause of death is likely to be adequately investigated by an inquiry under the Inquiries Act 2005 (c. 12) that is being or is to be held,

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- (b) a senior judge has been appointed under that Act as chairman of the inquiry, and
- (c) the Lord Chief Justice has indicated approval to the Lord Chancellor, for the purposes of this paragraph, of the appointment of that judge.

In paragraph (b) “senior judge” means a judge of the High Court or the Court of Appeal or a Justice of the Supreme Court.

- (2) The coroner need not suspend the investigation if there appears to be an exceptional reason for not doing so.
- (3) In the case of an investigation that is already suspended under paragraph 1—
 - (a) a reference above in this paragraph to suspending the investigation is to be read as a reference to continuing the suspension of the investigation;
 - (b) if the suspension of the investigation is continued under this paragraph, the investigation is to be treated for the purposes of paragraphs 1(4), 7 and 9 of this Schedule as suspended under this paragraph (and not as suspended under paragraph 1).

Commencement Information

I3 Sch. 1 para. 3 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

- 4 (1) This paragraph applies where an investigation is suspended under paragraph 3 on the basis that the cause of death is likely to be adequately investigated by an inquiry under the Inquiries Act 2005 (c. 12).
- (2) The terms of reference of the inquiry must be such that it has as its purpose, or among its purposes, the purpose set out in section 5(1) above (read with section 5(2) where applicable); and section 5 of the Inquiries Act 2005 has effect accordingly.

Commencement Information

I4 Sch. 1 para. 4 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

General power to suspend

- 5 A senior coroner may suspend an investigation under this Part of this Act into a person's death in any case if it appears to the coroner that it would be appropriate to do so.

Commencement Information

I5 Sch. 1 para. 5 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

Effect of suspension

- 6 (1) Where an investigation is suspended under this Schedule, the senior coroner must adjourn any inquest that is being held as part of the investigation.
- (2) Where an inquest held with a jury is adjourned under this paragraph, the senior coroner may discharge the jury.

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Commencement Information

I6 Sch. 1 para. 6 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

PART 2 **E+W**

RESUMPTION OF INVESTIGATIONS

Resumption of investigation suspended under paragraph 1

- 7 An investigation that is suspended under paragraph 1 must be resumed once the period under sub-paragraph (4) of that paragraph, or as the case may be the extended period under sub-paragraph (5) of that paragraph, has ended.

Commencement Information

I7 Sch. 1 para. 7 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

Resumption of investigation suspended under paragraph 2

- 8 (1) An investigation that is suspended under paragraph 2 may not be resumed unless, but must be resumed if, the senior coroner thinks that there is sufficient reason for resuming it.
- (2) Subject to sub-paragraph (3)—
- (a) an investigation that is suspended under paragraph 2 may not be resumed while proceedings are continuing before the court of trial in respect of a homicide offence, or the service equivalent of a homicide offence, involving the death of the deceased;
 - (b) an investigation that is suspended by virtue of sub-paragraph (4) or (5) of that paragraph may not be resumed while proceedings are continuing before the court of trial in respect of the offence referred to in that sub-paragraph.
- (3) The investigation may be resumed while the proceedings in question are continuing if—
- (a) in the case of an investigation suspended by virtue of sub-paragraph (2) or (4) of paragraph 2, the relevant prosecuting authority informs the coroner that it has no objection to the investigation being resumed;
 - (b) in the case of an investigation suspended by virtue of sub-paragraph (3) or (5) of that paragraph, the Director of Service Prosecutions informs the coroner that he or she has no objection to the investigation being resumed.
- (4) For the purposes of sub-paragraph (3)(a), the relevant prosecuting authority—
- (a) in the case of an investigation suspended by virtue of sub-paragraph (2) of paragraph 2, is the prosecuting authority responsible for the prosecution in question;
 - (b) in the case of an investigation suspended by virtue of sub-paragraph (4) of that paragraph, is the prosecuting authority that made the request under that sub-paragraph.

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- (5) In the case of an investigation resumed under this paragraph, a determination under section 10(1)(a) may not be inconsistent with the outcome of—
- (a) the proceedings in respect of the charge (or each charge) by reason of which the investigation was suspended;
 - (b) any proceedings that, by reason of sub-paragraph (2), had to be concluded before the investigation could be resumed.

Commencement Information

18 Sch. 1 para. 8 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

Resumption of investigation suspended under paragraph 3

- 9 (1) Where an investigation is suspended under paragraph 3—
- (a) it may not be resumed unless, but must be resumed if, the senior coroner thinks that there is sufficient reason for resuming it;
 - (b) it may not be resumed before the end of the period of 28 days beginning with the relevant day;
 - (c) where sub-paragraph (4), (6), (8) or (10) applies, it may be resumed only in accordance with that sub-paragraph (and not before the end of the 28-day period mentioned in paragraph (b)).
- (2) In sub-paragraph (1)(b) “the relevant day” means—
- (a) if the Lord Chancellor gives the coroner notification under this paragraph, the day on which the inquiry concerned is concluded;
 - (b) otherwise, the day on which the findings of that inquiry are published.
- (3) Sub-paragraph (4) applies where, during the suspension of the investigation, the coroner—
- (a) becomes aware that a person has appeared or been brought before a magistrates' court charged with a homicide offence involving the death of the deceased, or
 - (b) becomes aware that a person has been charged on an indictment with such an offence without having appeared or been brought before a magistrates' court charged with it.
- (4) The coroner must not resume the investigation until after the conclusion of proceedings before the court of trial in respect of the offence in question, unless a prosecuting authority informs the coroner that it has no objection to the investigation being resumed before then.
- (5) Sub-paragraph (6) applies where, during the suspension of the investigation, the coroner becomes aware that a person has been charged with the service equivalent of a homicide offence involving the death of the deceased.
- (6) The coroner must not resume the investigation until after the conclusion of proceedings before the court of trial in respect of the offence in question, unless the Director of Service Prosecutions informs the coroner that he or she has no objection to the investigation being resumed before then.
- (7) Sub-paragraph (8) applies where, during the suspension of the investigation, a prosecuting authority informs the senior coroner that a person—

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- (a) has appeared or been brought before a magistrates' court charged with an offence (other than a service offence) that is alleged to be a related offence, or
 - (b) has been charged on an indictment with such an offence without having been sent for trial for it.
- (8) If the prosecuting authority requests the coroner not to resume the investigation until after the conclusion of proceedings before the court of trial in respect of the offence in question, the coroner must not do so.
- (9) Sub-paragraph (10) applies where the Director of Service Prosecutions informs the coroner that a person has been charged with a service offence that is alleged to be a related offence.
- (10) If the Director of Service Prosecutions requests the coroner not to resume the investigation until after the conclusion of proceedings before the court of trial in respect of the offence in question, the coroner must not do so.
- (11) In the case of an investigation resumed under this paragraph, a determination under section 10(1)(a) may not be inconsistent with the outcome of—
- (a) the inquiry under the Inquiries Act 2005 (c. 12) by reason of which the investigation was suspended;
 - (b) any proceedings that, by reason of sub-paragraph (4), (6), (8) or (10), had to be concluded before the investigation could be resumed.

Commencement Information

I9 Sch. 1 para. 9 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

Resumption of investigation suspended under paragraph 5

- 10 An investigation that is suspended under paragraph 5 may be resumed at any time if the senior coroner thinks that there is sufficient reason for resuming it.

Commencement Information

I10 Sch. 1 para. 10 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

Supplemental

- 11 (1) Where an investigation is resumed under this Schedule, the senior coroner must resume any inquest that was adjourned under paragraph 6.
- (2) The following provisions apply, in place of section 7, to an inquest that is resumed under this paragraph.
- (3) The resumed inquest may be held with a jury if the senior coroner thinks that there is sufficient reason for it to be held with one.
- (4) Where the adjourned inquest was held with a jury and the senior coroner decides to hold the resumed inquest with a jury—
- (a) if at least seven persons who were members of the original jury are available to serve at the resumed inquest, the resumed inquest must be held with a jury consisting of those persons;

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- (b) if not, or if the original jury was discharged under paragraph 6(2), a new jury must be summoned.

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I11 Sch. 1 para. 11 in force at 25.7.2013 by S.I. 2013/1869, art. 2(h)

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