

Status: Point in time view as at 25/07/2013.

Changes to legislation: Coroners and Justice Act 2009, Cross Heading: Resumption of investigation suspended under paragraph 3 is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1 **U.K.**

DUTY OR POWER TO SUSPEND OR RESUME INVESTIGATIONS

PART 2 **E+W**

RESUMPTION OF INVESTIGATIONS

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

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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—
- (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

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

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