

*Status: Point in time view as at 10/03/2022.*

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## SCHEDULES

### SCHEDULE 1

Section 11

#### DUTY OR POWER TO SUSPEND OR RESUME INVESTIGATIONS

##### PART 1

##### 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 <sup>F1</sup>... or uninsured drivers);
  - (iiia) [<sup>F2</sup>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) [<sup>F3</sup>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**

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.

**Commencement Information**

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

SCHEDULE 2

Section 22

CORONER AREAS

*Coroner areas*

- 1 (1) England and Wales is to be divided into areas to be known as coroner areas.
- (2) Each coroner area is to consist of the area of a local authority or the combined areas of two or more local authorities.
- (3) Subject to paragraph 2—
- (a) the coroner areas are to be those specified in an order made by the Lord Chancellor;
- (b) each coroner area is to be known by whatever name is specified in the order.
- (4) Before making an order under this paragraph, the Lord Chancellor must consult—
- (a) every local authority,
- (b) the Welsh Ministers, and
- (c) any other persons the Lord Chancellor thinks appropriate.

**Commencement Information**

**I12** Sch. 2 para. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(i)

*Alteration of coroner areas*

- 2 (1) The Lord Chancellor may make orders altering coroner areas.
- (2) Before making an order under this paragraph the Lord Chancellor must consult—
- (a) whichever local authorities the Lord Chancellor thinks appropriate,
- (b) in the case of a coroner area in Wales, the Welsh Ministers, and
- (c) any other persons the Lord Chancellor thinks appropriate.
- (3) “Altering”, in relation to a coroner area, includes (as well as changing its boundaries)
- 
- (a) combining it with one or more other coroner areas;
- (b) dividing it between two or more other coroner areas;
- (c) changing its name.



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#### Commencement Information

**I13** Sch. 2 para. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(i)

#### *Relevant authorities*

- 3
- (1) This paragraph sets out for the purposes of this Part what is the “relevant authority” for a given coroner area.
  - (2) In the case of a coroner area consisting of the area of a single local authority, that authority is the relevant authority for the coroner area.
  - (3) In the case of a coroner area consisting of the areas of two or more local authorities, the relevant authority for the coroner area is—
    - (a) whichever one of those authorities they jointly nominate;
    - (b) if they cannot agree on a nomination, whichever one of them the Lord Chancellor determines.
  - (4) Before making a determination under sub-paragraph (3)(b) the Lord Chancellor must consult—
    - (a) the Secretary of State, in a case involving local authorities in England;
    - (b) the Welsh Ministers, in a case involving local authorities in Wales.
  - (5) This paragraph has effect subject to paragraph 2 of Schedule 22.

#### Commencement Information

**I14** Sch. 2 para. 3 in force at 25.7.2013 by S.I. 2013/1869, art. 2(i)

#### *Effect of body being outside coroner area etc*

- 4
- (1) This paragraph applies where—
    - (a) a senior coroner is responsible for conducting an investigation under this Part into a person's death, and
    - (b) the body is outside the coroner's area (whether because of its removal or otherwise).
  - (2) The coroner has the same functions in relation to the body and the investigation as would be the case if the body were within the coroner's area.
  - (3) The presence of the body at a place outside the coroner's area does not confer any functions on any other coroner.

#### Commencement Information

**I15** Sch. 2 para. 4 in force at 25.7.2013 by S.I. 2013/1869, art. 2(i)

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## SCHEDULE 3

Section 23

### APPOINTMENT ETC OF SENIOR CORONERS, AREA CORONERS AND ASSISTANT CORONERS

#### PART 1

#### APPOINTMENT OF SENIOR, AREA AND ASSISTANT CORONERS

##### *Appointment of senior coroners*

- 1 (1) The relevant authority for each coroner area must appoint a coroner (the “senior coroner”) for that area.
- (2) In the case of a coroner area that consists of the areas of two or more local authorities, the relevant authority for the area must consult the other authorities before making an appointment under this paragraph.
- (3) A person may not be appointed as a senior coroner unless the Lord Chancellor and the Chief Coroner consent to the appointment of that person.

#### **Commencement Information**

**I16** Sch. 3 para. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

##### *Appointment of area and assistant coroners*

- 2 (1) The Lord Chancellor may by order require the appointment, for any coroner area, of—
- (a) an area coroner, or a specified number of area coroners;
  - (b) a minimum number of assistant coroners.
- (2) Before making an order under this paragraph in relation to a particular coroner area, the Lord Chancellor must consult—
- (a) the Chief Coroner, and
  - (b) every local authority whose area falls within the coroner area (or, as the case may be, the local authority whose area is the same as the coroner area).
- (3) The relevant authority for a coroner area in relation to which provision is made under sub-paragraph (1)(a) must appoint an area coroner or, as the case may be, the number of area coroners specified for the area in the order.
- (4) The relevant authority for a coroner area in relation to which provision is made under sub-paragraph (1)(b) must appoint at least the number of assistant coroners specified for the area in the order.
- (5) A person may not be appointed as an area coroner or assistant coroner unless the Lord Chancellor and the Chief Coroner consent to the appointment of that person.

#### **Commencement Information**

**I17** Sch. 3 para. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

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## PART 2

### QUALIFICATIONS OF SENIOR, AREA AND ASSISTANT CORONERS

- 3 To be eligible for appointment as a senior coroner, area coroner or assistant coroner, a person must—
- (a) be under the age of [<sup>F4</sup>75], and
  - (b) satisfy the judicial-appointment eligibility condition on a 5-year basis.

#### Textual Amendments

- F4** Word in [Sch. 3 para. 3\(a\)](#) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 38\(2\)\(a\)](#) (with [Sch. 1 para. 43](#))

#### Commencement Information

- I18** [Sch. 3 para. 3](#) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(j\)](#)

- 4 (1) A person who is a councillor for a local authority, or has been during the previous 6 months, may not be appointed as the senior coroner, or as an area coroner or assistant coroner, for a coroner area that is the same as or includes the area of that local authority.
- (2) In the application of this paragraph to the Common Council, the reference to a councillor is to be read as a reference to an alderman of the City of London or a common councillor.

#### Commencement Information

- I19** [Sch. 3 para. 4](#) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(j\)](#)

## PART 3

### VACANCIES; FUNCTIONS OF AREA AND ASSISTANT CORONERS

#### *Filling of vacancies*

- 5 (1) This paragraph applies where a vacancy occurs—
- (a) in the office of senior coroner for an area, or
  - (b) in an office of area coroner for an area.
- (2) The relevant authority for the area must—
- (a) give notice in writing of the vacancy to the Lord Chancellor and the Chief Coroner as soon as practicable after the vacancy occurs;
  - (b) appoint a person to fill the vacancy under paragraph 1 or 2 (as the case may be) within 3 months of the vacancy occurring, or within whatever further period the Lord Chancellor allows;
  - (c) give notice in writing of the appointment of a person to fill the vacancy to the Lord Chancellor and the Chief Coroner as soon as practicable after it is filled.

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**Commencement Information**

**I20** Sch. 3 para. 5 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

- 6 (1) This paragraph applies where—
- (a) a vacancy occurs in an office of assistant coroner for an area, and
  - (b) the vacancy causes the number of assistant coroners for the area to fall below (or further below) the minimum number specified under paragraph 2(1)(b).
- (2) Within 3 months of the vacancy occurring, or within whatever further period the Lord Chancellor allows, the relevant authority for the area must appoint a person to fill the vacancy.

**Commencement Information**

**I21** Sch. 3 para. 6 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Person to act as senior coroner in case of vacancy*

- 7 (1) This paragraph applies where a vacancy occurs in the office of senior coroner for an area.
- (2) Subject to sub-paragraph (3), the area coroner for the area (or, if there is more than one such area coroner, whichever of them is nominated by the relevant authority for the area) is to act as senior coroner for the area while the office remains vacant.
  - (3) Where there is no area coroner for the area, whichever assistant coroner for the area is nominated by the relevant authority for the area is to act as senior coroner for the area while the office remains vacant.
  - (4) In the case of a coroner area that consists of the area of two or more local authorities, the relevant authority for the area must consult the other authority or authorities before making a nomination under this paragraph.
  - (5) A person who acts as senior coroner for an area by virtue of this paragraph is to be treated for all purposes of this Part of this Act (except those of this paragraph and paragraphs 1 to 5 and 9 to 19 of this Schedule) as being the senior coroner for the area.

**Commencement Information**

**I22** Sch. 3 para. 7 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Functions of area and assistant coroners*

- 8 (1) An area coroner or assistant coroner for an area may perform any functions of the senior coroner for the area (including functions which that senior coroner has by virtue of section 2 or 3)—
- (a) during a period when that senior coroner is absent or unavailable;
  - (b) at any other time, with the consent of that senior coroner.
- (2) Accordingly a reference in a statutory provision (whenever made) to a senior coroner is to be read, where appropriate, as including an area coroner or assistant coroner.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

**Commencement Information**

**I23** Sch. 3 para. 8 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

**PART 4**

TERMS OF OFFICE OF SENIOR, AREA AND ASSISTANT CORONERS

*Status of office*

- 9 The offices of senior coroner, area coroner and assistant coroner are not to be regarded as freehold offices.

**Commencement Information**

**I24** Sch. 3 para. 9 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Vacation or termination of office*

- 10 A senior coroner, area coroner or assistant coroner must vacate office on reaching the age of [F575].

**Textual Amendments**

**F5** Word in Sch. 3 para. 10 substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), Sch. 1 para. 38(2)(b) (with Sch. 1 para. 43)

**Commencement Information**

**I25** Sch. 3 para. 10 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

- 11 (1) The senior coroner or an area coroner or assistant coroner for an area (“the relevant coroner area”) must vacate office immediately if—
- (a) he or she becomes a councillor for a local authority, and
  - (b) the area of that local authority is the same as or falls within the relevant coroner area.
- (2) In the application of this paragraph to the Common Council, the reference to a councillor is to be read as a reference to an alderman of the City of London or a common councillor.

**Commencement Information**

**I26** Sch. 3 para. 11 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

- 12 The senior coroner or an area coroner or assistant coroner for an area may resign office by giving notice in writing to the relevant authority for the area.

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**Commencement Information**

**I27** Sch. 3 para. 12 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

- 13 (1) The Lord Chancellor may, with the agreement of the Lord Chief Justice, remove a senior coroner, area coroner or assistant coroner from office for incapacity or misbehaviour.
- (2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise the functions of the Lord Chief Justice under sub-paragraph (1).

**Commencement Information**

**I28** Sch. 3 para. 13 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Discipline*

- 14 Chapter 3 of Part 4 of the Constitutional Reform Act 2005 (c. 4) (discipline) applies in relation to the offices of senior coroner, area coroner and assistant coroner as it would apply if those offices were listed in Schedule 14 to that Act.

**Commencement Information**

**I29** Sch. 3 para. 14 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Salary of senior and area coroners*

- 15 (1) The senior coroner for an area is entitled to a salary.
- (2) The amount of the salary is to be whatever is from time to time agreed by the senior coroner and the relevant authority for the area.
- (3) If the senior coroner and the relevant authority cannot agree about an alteration in the amount of the salary—
- (a) either of them may refer the matter to the Lord Chancellor;
  - (b) the Lord Chancellor may determine the amount of the salary and the date on which it is to become payable.
- Any alteration in the amount of salary is to take effect in accordance with the Lord Chancellor's determination.
- (4) In making a determination under sub-paragraph (3), the Lord Chancellor must have regard—
- (a) to the nature and extent of the coroner's functions, and
  - (b) to all the circumstances of the case.
- (5) The salary to which the senior coroner for an area is entitled under this paragraph is payable by the relevant authority for the area.
- (6) This paragraph applies in relation to an area coroner for an area as it applies in relation to the senior coroner for an area (references to the senior coroner being read as references to an area coroner).

*Status: Point in time view as at 10/03/2022.*

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**Commencement Information**

**I30** Sch. 3 para. 15 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Fees payable to assistants*

- 16 (1) An assistant coroner for an area is entitled to fees.
- (2) The amount of the fees is to be whatever is agreed from time to time by the assistant coroner and the relevant authority for the area.
- (3) The fees to which an assistant coroner for an area is entitled under this paragraph are payable by the relevant authority for the area.

**Commencement Information**

**I31** Sch. 3 para. 16 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Pensions for senior and area coroners*

- 17 A relevant authority for a coroner area must make provision for the payment of pensions, allowances or gratuities to or in respect of persons who are or have been senior coroners or area coroners for the area.

**Commencement Information**

**I32** Sch. 3 para. 17 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Prohibition on receipt of fees etc*

- 18 Except as permitted by or under this or any other Act, a senior coroner, area coroner or assistant coroner may not accept any remuneration or fee in respect of anything done by that coroner in the performance of his or her functions.

**Commencement Information**

**I33** Sch. 3 para. 18 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Other terms of office*

- 19 Subject to the preceding provisions of this Part, the senior coroner or an area coroner or assistant coroner for an area holds office on whatever terms are from time to time agreed by that coroner and the relevant authority for the area.

**Commencement Information**

**I34** Sch. 3 para. 19 in force at 25.7.2013 by S.I. 2013/1869, art. 2(j)

*Status: Point in time view as at 10/03/2022.**Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

PROSPECTIVE

## SCHEDULE 4

Section 25

## CORONER FOR TREASURE AND ASSISTANT CORONERS FOR TREASURE

## PART 1

## APPOINTMENT, QUALIFICATIONS AND TERMS OF OFFICE OF CORONER FOR TREASURE

*Appointment*

1 The Lord Chancellor may appoint a person as the Coroner for Treasure.

*Qualifications*

2 To be eligible for appointment as the Coroner for Treasure, a person must—

- (a) be under the age of [<sup>F6</sup>75], and
- (b) satisfy the judicial-appointment eligibility condition on a 5-year basis.

**Textual Amendments**

**F6** Word in Sch. 4 para. 2(a) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 38\(3\)\(a\)](#) (with Sch. 1 para. 43)

*Vacation or termination of office*

3 The Coroner for Treasure must vacate office on reaching the age of [<sup>F7</sup>75].

**Textual Amendments**

**F7** Word in Sch. 4 para. 3 substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 38\(3\)\(b\)](#) (with Sch. 1 para. 43)

4 The Coroner for Treasure may resign office by giving notice to the Lord Chancellor.

5 (1) The Lord Chancellor may, with the agreement of the Lord Chief Justice, remove the Coroner for Treasure from office for incapacity or misbehaviour.

(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) to exercise the functions of the Lord Chief Justice under sub-paragraph (1).

*Remuneration, allowances and expenses*

6 (1) The Lord Chancellor may pay to the Coroner for Treasure amounts determined by the Lord Chancellor by way of remuneration or allowances.



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- (2) The Lord Chancellor may pay to the Coroner for Treasure amounts determined by the Lord Chancellor towards expenses incurred by the Coroner for Treasure in performing functions as such.

## PART 2

### DESIGNATION AND REMUNERATION OF ASSISTANT CORONERS FOR TREASURE

#### *Designation*

- 7 The Chief Coroner may designate one or more assistant coroners to act as Assistant Coroners for Treasure.
- 8 A person who is designated under paragraph 7 to act as an Assistant Coroner for Treasure may act as such for so long as the designation continues to have effect.
- 9 A person's designation under that paragraph ceases to have effect—
- (a) when the person ceases to be an assistant coroner;
  - (b) if earlier, when the designation is terminated by notice given—
    - (i) by the person to the Chief Coroner, or
    - (ii) by the Chief Coroner to the person.

#### *Remuneration, allowances and expenses*

- 10 (1) The Lord Chancellor may pay to an Assistant Coroner for Treasure amounts determined by the Lord Chancellor by way of remuneration or allowances.
- (2) The Lord Chancellor may pay to an Assistant Coroner for Treasure amounts determined by the Lord Chancellor towards expenses incurred by the Assistant Coroner for Treasure in performing functions as such.

## PART 3

### MISCELLANEOUS

#### *Functions of Assistant Coroners for Treasure*

- 11 (1) An Assistant Coroner for Treasure may perform any functions of the Coroner for Treasure—
- (a) during a period when the Coroner for Treasure is absent or unavailable;
  - (b) during a vacancy in the office of Coroner for Treasure;
  - (c) at any other time, with the consent of the Coroner for Treasure.
- (2) Accordingly a reference in this Part of this Act to the Coroner for Treasure is to be read, where appropriate, as including an Assistant Coroner for Treasure.

#### *Staff*

- 12 (1) The Lord Chancellor may appoint staff to assist the Coroner for Treasure and any Assistant Coroners for Treasure in the performance of their functions.

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- (2) Such staff are to be appointed on whatever terms and conditions the Lord Chancellor thinks appropriate.

## SCHEDULE 5

Section 32

### POWERS OF CORONERS

#### *Power to require evidence to be given or produced*

- 1 (1) A senior coroner may by notice require a person to attend at a time and place stated in the notice and—
- (a) to give evidence at an inquest,
  - (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to an inquest, or
  - (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to an inquest.
- (2) A senior coroner who is conducting an investigation under this Part may by notice require a person, within such period as the senior coroner thinks reasonable—
- (a) to provide evidence to the senior coroner, about any matters specified in the notice, in the form of a written statement,
  - (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to the investigation, or
  - (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to the investigation.
- (3) A notice under sub-paragraph (1) or (2) must—
- (a) explain the possible consequences, under paragraphs 6 and 7 of Schedule 6, of not complying with the notice;
  - (b) indicate what the recipient of the notice should do if he or she wishes to make a claim under sub-paragraph (4).
- (4) A claim by a person that—
- (a) he or she is unable to comply with a notice under this paragraph, or
  - (b) it is not reasonable in all the circumstances to require him or her to comply with such a notice,
- is to be determined by the senior coroner, who may revoke or vary the notice on that ground.
- (5) In deciding whether to revoke or vary a notice on the ground mentioned in sub-paragraph (4)(b), the senior coroner must consider the public interest in the information in question being obtained for the purposes of the inquest or investigation, having regard to the likely importance of the information.
- (6) For the purposes of this paragraph a document or thing is under a person's control if it is in the person's possession or if he or she has a right to possession of it.

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- (7) The validity of a notice under sub-paragraph (1) or (2) is not limited to the coroner area for which the senior coroner issuing the notice is appointed.
- (8) A reference in this paragraph to a senior coroner is to be read as including the Coroner for Treasure.

#### Commencement Information

**I35** Sch. 5 para. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(k)

- 2 (1) A person may not be required to give, produce or provide any evidence or document under paragraph 1 if—
- (a) he or she could not be required to do so in civil proceedings in a court in England and Wales, or
  - (b) the requirement would be incompatible with [<sup>F8</sup>a retained EU obligation].
- (2) The rules of law under which evidence or documents are permitted or required to be withheld on grounds of public interest immunity apply in relation to an investigation or inquest under this Part as they apply in relation to civil proceedings in a court in England and Wales.

#### Textual Amendments

**F8** Words in Sch. 5 para. 2(1)(b) substituted (31.12.2020) by [The Inquiries and Coroners \(Amendment\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1252), regs. 1(1), 3; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I36** Sch. 5 para. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(k)

PROSPECTIVE

#### *Power of entry, search and seizure*

- 3 (1) A senior coroner conducting an investigation under this Part, if authorised—
- (a) by the Chief Coroner, or
  - (b) by another senior coroner nominated by the Chief Coroner to give authorisation,
- may enter and search any land specified in the authorisation.
- (2) An authorisation may be given only if—
- (a) the senior coroner conducting the investigation has reason to suspect that there may be anything on the land which relates to a matter that is relevant to the investigation, and
  - (b) any of the conditions in sub-paragraph (3) are met.
- (3) Those conditions are—
- (a) that it is not practicable to communicate with a person entitled to grant permission to enter and search the land;
  - (b) that permission to enter and search the land has been refused;

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- (c) that the senior coroner has reason to believe that such permission would be refused if requested;
  - (d) that the purpose of a search may be frustrated or seriously prejudiced unless the senior coroner can secure immediate entry to the land on arrival.
- (4) A senior coroner conducting an investigation under this Part who is lawfully on any land—
- (a) may seize anything that is on the land;
  - (b) may inspect and take copies of any documents.
- (5) A reference in this paragraph to land is not limited to land within the coroner area for which the senior coroner in question is appointed.
- (6) A reference in this paragraph to a senior coroner is to be read as including the Coroner for Treasure.
- 4 (1) The person by whom an authorisation under paragraph 3(1) is given must make a record—
- (a) setting out the reasons for the suspicion referred to in paragraph 3(2)(a);
  - (b) specifying which of the conditions in paragraph 3(3) is met.
- (2) Where the authorisation is given by a senior coroner nominated under paragraph 3(1)(b), that coroner must give the record made under this paragraph to the Chief Coroner.
- (3) The Chief Coroner must retain a record made this paragraph until the Chief Coroner has given to the Lord Chancellor the report under section 36 for the calendar year in which the authorisation in question was given.
- 5 (1) A power under paragraph 3(4) is not exercisable unless the person exercising the power has reasonable grounds for believing—
- (a) that its exercise may assist the investigation, and
  - (b) in the case of the seizure of anything, that the seizure is necessary to prevent the thing being concealed, lost, damaged, altered or destroyed.
- (2) The power under paragraph 3(4)(b) includes power to require any information that is stored in an electronic form and is on, or accessible from, the land to be produced in a form—
- (a) in which it can be taken away, and
  - (b) in which it is legible or from which it can readily be produced in a legible form.
- (3) A power under paragraph 3(4) does not apply to any item that the person by whom the power is exercisable has reasonable grounds for believing to be subject to legal privilege.
- (4) Anything that has been seized or taken away under paragraph 3 may be retained for so long as is necessary in all the circumstances.
- (5) A person on whom a power is conferred by virtue of paragraph 3 may use reasonable force, if necessary, in the exercise of the power.
- (6) In this paragraph “subject to legal privilege”, in relation to an item, has the meaning given by section 10 of the Police and Criminal Evidence Act 1984 (c. 60).

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*Exhumation of body for examination*

- 6 (1) A senior coroner may order the exhumation of a person's body if sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies if—
- (a) the body is buried in England and Wales (whether or not within the coroner area for which the coroner is appointed), and
  - (b) the coroner thinks it necessary for the body to be examined under section 14.
- (3) This sub-paragraph applies if—
- (a) the body is buried within the coroner area for which the coroner is appointed, and
  - (b) the coroner thinks it necessary for the body to be examined for the purpose of any criminal proceedings that have been instituted or are contemplated in respect of—
    - (i) the death of the person whose body it is, or
    - (ii) the death of another person who died in circumstances connected with the death of that person.
- (4) In sub-paragraph (3) “criminal proceedings” includes proceedings in respect of 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)).

**Commencement Information**

**I37** Sch. 5 para. 6 in force at 25.7.2013 by S.I. 2013/1869, art. 2(k)

*Action to prevent other deaths*

- 7 (1) Where—
- (a) a senior coroner has been conducting an investigation under this Part into a person's death,
  - (b) anything revealed by the investigation gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future, and
  - (c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,
- the coroner must report the matter to a person who the coroner believes may have power to take such action.
- (2) A person to whom a senior coroner makes a report under this paragraph must give the senior coroner a written response to it.
- (3) A copy of a report under this paragraph, and of the response to it, must be sent to the Chief Coroner.

**Commencement Information**

**I38** Sch. 5 para. 7 in force at 25.7.2013 by S.I. 2013/1869, art. 2(k)

*Status: Point in time view as at 10/03/2022.*

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## SCHEDULE 6

Section 33

### OFFENCES

#### PART 1

#### OFFENCES RELATING TO JURORS

*[<sup>F9</sup> Serving while disqualified, failure to attend etc]*

##### Textual Amendments

**F9** Cross-heading inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 13 para. 4](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 79](#)

- 1 (1) It is an offence for a person to serve on a jury at an inquest if the person—
- (a) is disqualified from jury service (by reason of being a person listed in Part 2 of Schedule 1 to the [Juries Act 1974 \(c. 23\)](#)), and
  - (b) knows that he or she is disqualified from jury service.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

##### Commencement Information

**I39** Sch. 6 para. 1 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(1\)](#)

- 2 (1) It is an offence for a person—
- (a) to refuse without reasonable excuse to answer any question put under section 8(5),
  - (b) to give an answer to such a question knowing the answer to be false in a material particular, or
  - (c) recklessly to give an answer to such a question that is false in a material particular.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

##### Commencement Information

**I40** Sch. 6 para. 2 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(1\)](#)

- 3 (1) It is an offence for a person who is duly summoned as a juror at an inquest—
- (a) to make any false representation, or
  - (b) to cause or permit to be made any false representation on his or her behalf, with the intention of evading service as a juror at an inquest.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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#### Commencement Information

**I41** Sch. 6 para. 3 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

- 4 (1) It is an offence for a person to make or cause to be made, on behalf of a person who has been duly summoned as a juror at an inquest, any false representation with the intention of enabling the other person to evade service as a juror at an inquest.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

**I42** Sch. 6 para. 4 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

- 5 (1) A senior coroner, or (as the case may be) the Coroner for Treasure, may impose a fine not exceeding £1000 on a person duly summoned as a juror at an inquest who—
- (a) fails without reasonable excuse to attend in accordance with the summons, or
  - (b) attends in accordance with the summons but refuses without reasonable excuse to serve as a juror.
- (2) But a fine may not be imposed under this paragraph unless the summons was duly served on the person in question not later than 14 days before the day on which he or she was required to attend.

#### Commencement Information

**I43** Sch. 6 para. 5 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(I\)](#)

### *<sup>F10</sup>Research by jurors*

#### Textual Amendments

**F10** Sch. 6 paras. 5A-5C inserted (13.4.2015) by [Criminal Justice and Courts Act 2015](#) (c. 2), s. 95(1), [Sch. 13 para. 5](#); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 79](#) (with [Sch. 2 para. 3\(b\)](#))

- 5A (1) It is an offence for a member of a jury at an inquest to research the case during the inquest period, subject to the exceptions in sub-paragraphs (6) and (7).
- (2) A person researches a case if (and only if) the person—
- (a) intentionally seeks information, and
  - (b) when doing so, knows or ought reasonably to know that the information is or may be relevant to the inquest.
- (3) The ways in which a person may seek information include—
- (a) asking a question,
  - (b) searching an electronic database, including by means of the internet,
  - (c) visiting or inspecting a place or object,
  - (d) conducting an experiment, and
  - (e) asking another person to seek the information.

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- (4) Information relevant to the inquest includes information about—
- (a) a person involved in events relevant to the inquest,
  - (b) the senior coroner dealing with the inquest,
  - (c) any other person who is involved in the inquest, whether as a lawyer, a witness or otherwise,
  - (d) the law relating to the case,
  - (e) the law of evidence, and
  - (f) procedure at inquests.
- (5) “The inquest period”, in relation to a member of a jury at an inquest, is the period—
- (a) beginning when the person is sworn to inquire into the case, and
  - (b) ending when the senior coroner discharges the jury or, if earlier, when the senior coroner discharges the person.
- (6) It is not an offence under this paragraph for a person to seek information if the person needs the information for a reason which is not connected with the case.
- (7) It is not an offence under this paragraph for a person—
- (a) to attend proceedings at the inquest;
  - (b) to seek information from the senior coroner dealing with the case;
  - (c) to do anything which the senior coroner dealing with the case directs or authorises the person to do;
  - (d) to seek information from another member of the jury, unless the person knows or ought reasonably to know that the other member of the jury contravened this paragraph in the process of obtaining the information;
  - (e) to do anything else which is reasonably necessary in order for the jury to make a determination or finding in the case.
- (8) A person guilty of an offence under this paragraph is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
- (9) Proceedings for an offence under this paragraph may only be instituted by or with the consent of the Attorney General.

*Sharing research with other jurors*

- 5B (1) It is an offence for a member of a jury at an inquest intentionally to disclose information to another member of the jury during the inquest period if—
- (a) the member contravened paragraph 5A in the process of obtaining the information, and
  - (b) the information has not been provided at the inquest.
- (2) Information has been provided at the inquest if (and only if) it has been provided as part of—
- (a) evidence presented at the inquest, or
  - (b) other information provided to the jury or a juror during the inquest period by, or with the permission of, the senior coroner dealing with the case.
- (3) A person guilty of an offence under this paragraph is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).



*Status: Point in time view as at 10/03/2022.*

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- (4) Proceedings for an offence under this paragraph may not be instituted except by or with the consent of the Attorney General.
- (5) In this paragraph, “the inquest period” has the same meaning as in paragraph 5A.

*Jurors engaging in other prohibited conduct*

- 5C
- (1) It is an offence for a member of a jury at an inquest intentionally to engage in prohibited conduct during the inquest period, subject to the exceptions in subparagraphs (4) and (5).
  - (2) “Prohibited conduct” means conduct from which it may reasonably be concluded that the person intends to make a determination or finding otherwise than on the basis of the evidence presented at the inquest.
  - (3) An offence under this paragraph is committed whether or not the person knows that the conduct is prohibited conduct.
  - (4) It is not an offence under this paragraph for a member of the jury to research the case (as defined in paragraph 5A(2) to (4)).
  - (5) It is not an offence under this paragraph for a member of the jury to disclose information to another member of the jury.
  - (6) A person guilty of an offence under this paragraph is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).
  - (7) Proceedings for an offence under this paragraph may not be instituted except by or with the consent of the Attorney General.
  - (8) In this paragraph, “the inquest period” has the same meaning as in paragraph 5A.]

**[<sup>F11</sup>PART 1A**

OFFENCE RELATING TO JURY'S DELIBERATIONS

**Textual Amendments**

**F11** Sch. 6 Pt. 1A paras. 5D-5G inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 13 para. 6](#); S.I. 2015/778, art. 3, Sch. 1 para. 79 (with Sch. 2 para. 4(b))

*Offence*

- 5D
- (1) It is an offence for a person intentionally—
    - (a) to disclose information about statements made, opinions expressed, arguments advanced or votes cast by members of a jury in the course of their deliberations in proceedings at an inquest, or
    - (b) to solicit or obtain such information,subject to the exceptions in paragraphs 5E to 5G.
  - (2) A person guilty of an offence under this paragraph is liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both).

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- (3) Proceedings for an offence under this paragraph may not be instituted except by or with the consent of the Attorney General.

#### *Initial exceptions*

- 5E (1) It is not an offence under paragraph 5D for a person to disclose information in the inquest mentioned in paragraph 5D(1) for the purposes of enabling the jury to make findings or a determination or in connection with the delivery of findings or a determination.
- (2) It is not an offence under paragraph 5D for the senior coroner dealing with that inquest to disclose information—
- (a) for the purposes of dealing with the inquest, or
  - (b) for the purposes of an investigation by a relevant investigator into whether an offence or contempt of court has been committed by or in relation to a juror in the inquest.
- (3) It is not an offence under paragraph 5D for a person who reasonably believes that a disclosure described in sub-paragraph (2)(b) has been made to disclose information for the purposes of the investigation.
- (4) It is not an offence under paragraph 5D to publish information disclosed as described in sub-paragraph (1) or (2)(a) in the inquest mentioned in paragraph 5D(1).
- (5) In this paragraph—
- “publish” means make available to the public or a section of the public;
- “relevant investigator” means—
- (a) a police force;
  - (b) the Attorney General;
  - (c) any other person or class of person specified by the Lord Chancellor for the purposes of this paragraph by regulations.
- (6) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this paragraph.

#### *Further exceptions*

- 5F (1) It is not an offence under paragraph 5D for a person to disclose information to a person listed in sub-paragraph (2) if—
- (a) the disclosure is made after the jury at the inquest mentioned in paragraph 5D(1) has been discharged, and
  - (b) the person making the disclosure reasonably believes that—
    - (i) an offence or contempt of court has been, or may have been, committed by or in relation to a juror in connection with that inquest, or
    - (ii) conduct of a juror in connection with that inquest may provide grounds for an application under section 13(1)(b) of the Coroners Act 1988.
- (2) Those persons are—
- (a) a member of a police force;
  - (b) the Attorney General's Office;

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- (c) a judge of the High Court;
  - (d) the Chief Coroner;
  - (e) the senior coroner who dealt with the inquest mentioned in paragraph 5D(1);
  - (f) a coroner's officer or a member of staff assisting a senior coroner who would reasonably be expected to disclose the information only to a person mentioned in paragraphs (b) to (e).
- (3) It is not an offence under paragraph 5D for a member of a police force to disclose information for the purposes of obtaining assistance in deciding whether to submit the information to a person listed in sub-paragraph (2), provided that the disclosure does not involve publishing the information.
- (4) It is not an offence under paragraph 5D for the Attorney General's Office or a judge of the High Court to disclose information for the purposes of an investigation by a relevant investigator into—
- (a) whether an offence or contempt of court has been committed by or in relation to a juror in connection with the inquest mentioned in paragraph 5D(1), or
  - (b) whether conduct of a juror in connection with that inquest may provide grounds for an application under section 13(1)(b) of the Coroners Act 1988.
- (5) It is not an offence under paragraph 5D for a person who reasonably believes that a disclosure described in sub-paragraph (4) has been made to disclose information for the purposes of the investigation.
- (6) It is not an offence under paragraph 5D for a person to disclose information in evidence in—
- (a) proceedings for an offence or contempt of court alleged to have been committed by or in relation to a juror in connection with the inquest mentioned in paragraph 5D(1),
  - (b) proceedings on an application to the High Court under section 13(1)(b) of the Coroners Act 1988 in connection with the inquest mentioned in paragraph 5D(1) where an allegation relating to conduct of or in relation to a juror forms part of the grounds for the application, or
  - (c) proceedings on any further appeal, reference or investigation arising out of proceedings mentioned in paragraph (a) or (b).
- (7) It is not an offence under paragraph 5D for a person to disclose information in the course of taking reasonable steps to prepare for proceedings described in sub-paragraph (6)(a) to (c).
- (8) It is not an offence under paragraph 5D to publish information disclosed as described in sub-paragraph (6).
- (9) In this paragraph—
- “the Attorney General's Office” means the Attorney General, the Solicitor General or a member of staff of the Attorney General's Office;
  - “publish” means make available to the public or a section of the public;
  - “relevant investigator” means—
- (a) a police force;
  - (b) the Attorney General;
  - (c) the Criminal Cases Review Commission;
  - (d) the Crown Prosecution Service;

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- (e) a senior coroner, area coroner or assistant coroner;
  - (f) any other person or class of person specified by the Lord Chancellor for the purposes of this paragraph by regulations.
- (10) The Lord Chancellor must obtain the consent of the Lord Chief Justice before making regulations under this paragraph.

*Exceptions for soliciting disclosures or obtaining information*

- 5G (1) It is not an offence under paragraph 5D to solicit a disclosure described in paragraph 5E(1) to (4) or paragraph 5F(1) to (8).
- (2) It is not an offence under paragraph 5D to obtain information—
- (a) by means of a disclosure described in paragraph 5E(1) to (4) or paragraph 5F(1) to (8), or
  - (b) from a document that is available to the public or a section of the public.]

## PART 2

### OFFENCES RELATING TO WITNESSES AND EVIDENCE

- 6 A senior coroner, or (as the case may be) the Coroner for Treasure, may impose a fine not exceeding £1000 on a person who fails without reasonable excuse to do anything required by a notice under paragraph 1 of Schedule 5.

#### Commencement Information

**I44** Sch. 6 para. 6 in force at 25.7.2013 by [S.I. 2013/1869](#), art. 2(1)

- 7 (1) It is an offence for a person to do anything that is intended to have the effect of—
- (a) distorting or otherwise altering any evidence, document or other thing that is given, produced or provided for the purposes of an investigation under this Part of this Act, or
  - (b) preventing any evidence, document or other thing from being given, produced or provided for the purposes of such an investigation,
- or to do anything that the person knows or believes is likely to have that effect.
- (2) It is an offence for a person—
- (a) intentionally to suppress or conceal a document that is, and that the person knows or believes to be, a relevant document, or
  - (b) intentionally to alter or destroy such a document.
- (3) For the purposes of sub-paragraph (2) a document is a “relevant document” if it is likely that a person conducting an investigation under this Part of this Act would (if aware of its existence) wish to be provided with it.
- (4) A person does not commit an offence under sub-paragraph (1) or (2) by doing anything that is authorised or required—
- (a) by a senior coroner or the Coroner for Treasure, or
  - (b) by virtue of paragraph 2 of Schedule 5 or any privilege that applies.

*Status: Point in time view as at 10/03/2022.*

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- (5) Proceedings for an offence under sub-paragraph (1) or (2) may be instituted only by or with the consent of the Director of Public Prosecutions.
- (6) A person guilty of an offence under sub-paragraph (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to imprisonment for a term not exceeding 51 weeks, or to both.

**Commencement Information**

**I45** Sch. 6 para. 7 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(l\)](#)

- 8 (1) It is an offence for a person, in giving unsworn evidence at an inquest by virtue of section 45(2)(a), to give false evidence in such circumstances that, had the evidence been given on oath, he or she would have been guilty of perjury.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding £1000, or to imprisonment for a term not exceeding 51 weeks, or to both.
- (3) In relation to a person under the age of 14, sub-paragraph (2) has effect as if for the words following “summary conviction” there were substituted “to a fine not exceeding £250”.
- (4) For the purposes of sub-paragraph (3), a person's age is to be taken to be that which it appears to the court to be after considering any available evidence.

**Commencement Information**

**I46** Sch. 6 para. 8 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(l\)](#)

**PART 3**

MISCELLANEOUS

- 9 (1) The powers of a senior coroner or the Coroner for Treasure under paragraph 5 or 6 are additional to, and do not affect, any other power the coroner may have—
- (a) to compel a person to appear before him or her;
  - (b) to compel a person to give evidence or produce any document or other thing;
  - (c) to punish a person for contempt of court for failure to appear or to give evidence or to produce any document or other thing.
- (2) But a person may not be fined under paragraph 5 or 6 and also be punished under any such other power.

**Commencement Information**

**I47** Sch. 6 para. 9 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(l\)](#)

- 10 In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), a reference in this Schedule to 51 weeks is to be read as a reference to 6 months.

*Status: Point in time view as at 10/03/2022.*

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#### Commencement Information

**I48** Sch. 6 para. 10 in force at 25.7.2013 by S.I. 2013/1869, art. 2(l)

[<sup>F12</sup>11 Nothing in paragraph 5A, 5B or 5C affects what constitutes contempt of court at common law.]

#### Textual Amendments

**F12** Sch. 6 para. 11 inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 13 para. 7; S.I. 2015/778, art. 3, Sch. 1 para. 79

## SCHEDULE 7

Section 34

### ALLOWANCES, FEES AND EXPENSES

#### PART 1

##### ALLOWANCES PAYABLE TO JURORS

- 1 A person who serves as a juror at an inquest is entitled, in respect of attending the inquest, to receive payments by way of allowance—
- (a) for travelling and subsistence;
  - (b) for financial loss.
- This is subject to any conditions prescribed by regulations.

#### Commencement Information

**I49** Sch. 7 para. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

- 2 But a person is entitled to receive payments by way of allowance for financial loss only if, in consequence of attending the inquest, the person has—
- (a) incurred expenses (other than on travelling and subsistence) that he or she would otherwise not have incurred,
  - (b) suffered a loss of earnings that he or she would otherwise not have suffered, or
  - (c) suffered a loss of benefit under the enactments relating to social security that he or she would otherwise not have suffered.

#### Commencement Information

**I50** Sch. 7 para. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

- 3 Regulations may prescribe the rates of any allowances payable under paragraph 1.

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**Commencement Information**

**I51** Sch. 7 para. 3 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

- 4 The amount due to a person under paragraph 1 is to be calculated by the senior coroner and paid by (or on behalf of) the senior coroner or, where appropriate, the Coroner for Treasure.

**Commencement Information**

**I52** Sch. 7 para. 4 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

**PART 2**

ALLOWANCES PAYABLE TO WITNESSES

- 5 (1) Regulations may prescribe the allowances that may be paid by (or on behalf of) senior coroners or the Coroner for Treasure—
- (a) to witnesses;
  - (b) to persons who produce documents or things by virtue of paragraph 1(1) or (2) of Schedule 5;
  - (c) to persons who provide evidence in the form of a written statement by virtue of paragraph 1(2)(a) of that Schedule.
- (2) In this paragraph “witness” means a person properly attending before a senior coroner to give evidence at an inquest or in connection with the possibility of doing so (whether or not the person actually gives evidence), but does not include—
- (a) a police officer, or a member of a service police force, attending in his or her capacity as such;
  - (b) a full-time officer of an institution to which the Prison Act 1952 (c. 52) applies in his or her capacity as such;
  - (c) a prisoner in respect of an occasion on which he or she is conveyed in custody to appear before a senior coroner.

**Commencement Information**

**I53** Sch. 7 para. 5 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

**PART 3**

MISCELLANEOUS FEES, ALLOWANCES AND EXPENSES

- 6 Regulations may prescribe the fees and allowances that may be paid by (or on behalf of) senior coroners to persons who make examinations under section 14.

**Commencement Information**

**I54** Sch. 7 para. 6 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

*Status: Point in time view as at 10/03/2022.*

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- 7 (1) A relevant authority for a coroner area may issue a schedule of the fees, allowances and expenses that may be lawfully paid or incurred by the senior coroner for the area in the performance of the coroner's functions.
- (2) The power under sub-paragraph (1) includes power to amend or revoke any schedule issued.
- (3) In exercising the power under sub-paragraph (1) a relevant authority must have regard to any guidance from time to time issued by the Lord Chancellor.
- (4) A copy of any schedule that is issued or amended must be given to the senior coroner.
- (5) The reference in sub-paragraph (1) to fees and allowances does not include fees or allowances within any of the preceding paragraphs of this Schedule.

**Commencement Information**

**I55** Sch. 7 para. 7 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

- 8 Regulations may prescribe the fees payable to coroners for supplying copies of documents in their custody relating to investigations or inquests under this Part of this Act that they are conducting or have conducted.

**Commencement Information**

**I56** Sch. 7 para. 8 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

**PART 4**

MEETING OR REIMBURSING EXPENSES

- 9 (1) Regulations may make provision for or in connection with meeting or reimbursing—
- (a) expenses incurred by senior coroners (including expenses incurred under or by virtue of paragraph 4, 5 or 6);
- (b) expenses incurred by area coroners and assistant coroners;
- (c) expenses incurred by virtue of Schedule 10 in the conduct of an investigation by the Chief Coroner or the Coroner for Treasure or by a judge, former judge or former coroner.
- (2) The regulations may make provision—
- (a) for accounts or evidence relating to expenses to be provided to relevant authorities;
- (b) for or in connection with the meeting or reimbursement by relevant authorities of expenses of a description specified in the regulations;
- (c) for or in connection with appeals relating to decisions with respect to meeting or reimbursing expenses.
- This sub-paragraph is not to be read as limiting the power in sub-paragraph (1).
- (3) A reference in this paragraph to meeting or reimbursing expenses incurred by a person (“P”) includes a reference to indemnifying P in respect of—



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- (a) costs that P reasonably incurs in or in connection with proceedings in respect of things done or omitted in the exercise (or purported exercise) by P of duties under this Part of this Act;
- (b) costs that P reasonably incurs in taking steps to dispute claims that might be made in such proceedings;
- (c) damages awarded against P, or costs ordered to be paid by P, in such proceedings;
- (d) sums payable by P in connection with a reasonable settlement of such proceedings or of claims that might be made in such proceedings.

**Commencement Information**

**I57** Sch. 7 para. 9 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

**PART 5**

SUPPLEMENTAL

- 10 For the purposes of paragraph 1, a person who attends for service as a juror in accordance with a summons is to be treated as serving as a juror even if he or she is not sworn.

**Commencement Information**

**I58** Sch. 7 para. 10 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

- 11 (1) The power to make regulations under this Schedule is exercisable by the Lord Chancellor.
- (2) Regulations under this Schedule may be made only if—
- (a) the Lord Chief Justice, or
  - (b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) nominated for the purposes of this sub-paragraph by the Lord Chief Justice,
- agrees to the making of the regulations.

**Commencement Information**

**I59** Sch. 7 para. 11 in force at 25.7.2013 by S.I. 2013/1869, art. 2(m)

SCHEDULE 8

Section 35

CHIEF CORONER AND DEPUTY CHIEF CORONERS

*Appointment of Chief Coroner*

- 1 (1) The Lord Chief Justice may appoint a person as the Chief Coroner.

*Status: Point in time view as at 10/03/2022.*

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- (2) To be eligible for appointment as the Chief Coroner a person must be—
  - (a) a judge of the High Court or a Circuit judge, and
  - (b) under the age of [<sup>F13</sup>75].
- (3) The Lord Chief Justice must consult the Lord Chancellor before making an appointment under this paragraph.
- <sup>F14</sup>(4) The appointment of a person as the Chief Coroner is to be for a term decided by the Lord Chief Justice after consulting the Lord Chancellor.
- (5) In this paragraph “appointment” includes re-appointment.

#### Textual Amendments

- F13** Word in [Sch. 8 para. 1\(2\)\(b\)](#) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 38\(4\)\(a\)](#) (with [Sch. 1 para. 43](#))
- F14** By [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), [Sch. 1 para. 38\(4\)\(b\)](#), it is provided that (10.3.2022) the word “75” is substituted for “70”

#### Commencement Information

- I60** [Sch. 8 para. 1](#) in force at 1.2.2010 by [S.I. 2010/145](#), art. 2(2), [Sch. para. 21](#)

#### *Appointment of Deputy Chief Coroners*

- 2 (1) The Lord Chief Justice may secure the appointment as Deputy Chief Coroners of however many persons the Lord Chief Justice thinks appropriate.
- (2) To be eligible for appointment as a Deputy Chief Coroner a person must be—
  - (a) a judge of the High Court, a Circuit judge, the Coroner for Treasure or a senior coroner, and
  - (b) under the age of [<sup>F15</sup>75].
- (3) The Lord Chief Justice must consult the Lord Chancellor as to—
  - (a) the appropriate number of persons to be appointed as Deputy Chief Coroners;
  - (b) how many of them are to be persons eligible for appointment by virtue of being judges and how many are to be persons eligible for appointment by virtue of being senior coroners or the Coroner for Treasure.
- (4) The function of appointing a person as a Deputy Chief Coroner is exercisable, in the case of a judge of the High Court or a Circuit judge, by the Lord Chief Justice after consulting the Lord Chancellor.
- <sup>F16</sup>(5) The appointment by the Lord Chief Justice of a person as a Deputy Chief Coroner is to be for a term decided by the Lord Chief Justice after consulting the Lord Chancellor.
- (6) The function of appointing a person as a Deputy Chief Coroner is exercisable, in the case of a senior coroner or the Coroner for Treasure, by the Lord Chancellor at the invitation of the Lord Chief Justice.
- (7) The appointment by the Lord Chancellor of a person as a Deputy Chief Coroner is to be for a term decided by the Lord Chancellor after consulting the Lord Chief Justice.

*Status: Point in time view as at 10/03/2022.*

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(8) In this paragraph “appointment” includes re-appointment.

#### Textual Amendments

- F15** Word in [Sch. 8 para. 2\(2\)\(b\)](#) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 38\(4\)\(c\)](#) (with [Sch. 1 para. 43](#))
- F16** By [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), [Sch. 1 para. 38\(4\)\(d\)](#), it is provided that (10.3.2022) the word “75” is substituted for “70”

#### Commencement Information

- I61** [Sch. 8 para. 2](#) in force at 1.2.2010 by [S.I. 2010/145](#), art. 2(2), [Sch. para. 21](#)

#### *Resignation or removal*

- 3 (1) The Chief Coroner, or a Deputy Chief Coroner appointed by the Lord Chief Justice, may resign from office by giving notice in writing to the Lord Chief Justice.
- (2) But the resignation does not take effect unless and until it is accepted by the Lord Chief Justice, who must consult the Lord Chancellor before accepting it.
- (3) A Deputy Chief Coroner appointed by the Lord Chancellor may resign from office by giving notice in writing to the Lord Chancellor.
- (4) But the resignation does not take effect unless and until it is accepted by the Lord Chancellor, who must consult the Lord Chief Justice before accepting it.

#### Commencement Information

- I62** [Sch. 8 para. 3](#) in force at 1.2.2010 by [S.I. 2010/145](#), art. 2(2), [Sch. para. 21](#)

- 4 (1) The Lord Chief Justice may, after consulting the Lord Chancellor, remove the Chief Coroner, or a Deputy Chief Coroner appointed by the Lord Chief Justice, from office for incapacity or misbehaviour.
- (2) The Lord Chancellor may, after consulting the Lord Chief Justice, remove a Deputy Chief Coroner appointed by the Lord Chancellor from office for incapacity or misbehaviour.

#### Commencement Information

- I63** [Sch. 8 para. 4](#) in force at 1.2.2010 by [S.I. 2010/145](#), art. 2(2), [Sch. para. 21](#)

#### *Remuneration, allowances and expenses*

- 5 The Lord Chancellor may pay to the Chief Coroner—
- (a) amounts determined by the Lord Chancellor by way of remuneration or allowances;
- (b) amounts determined by the Lord Chancellor towards expenses incurred by the Chief Coroner in performing functions as such.

*Status: Point in time view as at 10/03/2022.*

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**Commencement Information**

**I64** Sch. 8 para. 5 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

- 6 The Lord Chancellor may pay to a Deputy Chief Coroner—
- (a) amounts determined by the Lord Chancellor by way of remuneration or allowances;
  - (b) amounts determined by the Lord Chancellor towards expenses incurred by that Deputy Chief Coroner in performing functions as such.

**Commencement Information**

**I65** Sch. 8 para. 6 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

- 7 A reference in paragraph 5 or 6 to paying expenses incurred by a person (“P”) includes a reference to indemnifying P in respect of—
- (a) costs that P reasonably incurs in or in connection with proceedings in respect of things done or omitted in the exercise (or purported exercise) by P of duties under this Part;
  - (b) costs that P reasonably incurs in taking steps to dispute claims that might be made in such proceedings;
  - (c) damages awarded against P, or costs ordered to be paid by P, in such proceedings;
  - (d) sums payable by P in connection with a reasonable settlement of such proceedings or of claims that might be made in such proceedings.

**Commencement Information**

**I66** Sch. 8 para. 7 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

*Exercise of Chief Coroner's functions by Deputy Chief coroner*

- 8 (1) A Deputy Chief Coroner may perform any functions of the Chief Coroner—
- (a) during a period when the Chief Coroner is absent or unavailable;
  - (b) during a vacancy in the office of Chief Coroner;
  - (c) at any other time, with the consent of the Chief Coroner.
- (2) Accordingly a reference in this Part to the Chief Coroner is to be read, where appropriate, as including a Deputy Chief Coroner.

**Commencement Information**

**I67** Sch. 8 para. 8 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

*Staff*

- 9 (1) The Lord Chancellor must appoint staff to assist the Chief Coroner and any Deputy Chief Coroners in the performance of their functions.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

- (2) Such staff are to be appointed on whatever terms and conditions the Lord Chancellor thinks appropriate.

**Commencement Information**

**I68** Sch. 8 para. 9 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 21

PROSPECTIVE

SCHEDULE 9

Section 38

MEDICAL ADVISER AND DEPUTY MEDICAL ADVISERS TO THE CHIEF CORONER

*Appointment and functions of Medical Adviser to the Chief Coroner*

- 1 The Lord Chancellor may appoint a person as Medical Adviser to the Chief Coroner (“the Medical Adviser”) to provide advice and assistance to the Chief Coroner as to medical matters in relation to the coroner system.

*Appointment and functions of Deputy Medical Advisers to the Chief Coroner*

- 2 (1) The Lord Chancellor may appoint however many Deputy Medical Advisers to the Chief Coroner (“Deputy Medical Advisers”) the Lord Chancellor thinks appropriate.
- (2) A Deputy Medical Adviser may perform any functions of the Medical Adviser—
- (a) during a period when the Medical Adviser is absent or unavailable;
  - (b) during a vacancy in the office of Medical Adviser;
  - (c) at any other time, with the consent of the Medical Adviser.

*Qualification for appointment*

- 3 A person may be appointed as the Medical Adviser or as a Deputy Medical Adviser 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.

*Consultation before making appointment*

- 4 Before appointing a person as the Medical Adviser or as a Deputy Medical Adviser, the Lord Chancellor must consult—
- (a) the Chief Coroner, and
  - (b) the Welsh Ministers.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

*Terms and conditions of appointment*

- 5 The appointment of a person as the Medical Adviser or as a Deputy Medical Adviser is to be on whatever terms and conditions the Lord Chancellor thinks appropriate.

*Remuneration, allowances and expenses*

- 6 (1) The Lord Chancellor may pay to the Medical Adviser—
- (a) amounts determined by the Lord Chancellor by way of remuneration or allowances;
  - (b) amounts determined by the Lord Chancellor towards expenses incurred in performing functions as such.
- (2) The Lord Chancellor may pay to a Deputy Medical Adviser—
- (a) amounts determined by the Lord Chancellor by way of remuneration or allowances;
  - (b) amounts determined by the Lord Chancellor towards expenses incurred by that Deputy Medical Adviser in performing functions as such.

SCHEDULE 10

Section 41

INVESTIGATION BY CHIEF CORONER OR CORONER FOR  
TREASURE OR BY JUDGE, FORMER JUDGE OR FORMER CORONER

*Investigation by Chief Coroner*

- 1 (1) The Chief Coroner may conduct an investigation into a person's death.
- (2) Where the Chief Coroner is responsible for conducting an investigation by virtue of this paragraph—
- (a) the Chief Coroner has the same functions in relation to the body and the investigation as would be the case if he or she were a senior coroner in whose area the body was situated;
  - (b) no senior coroner, area coroner or assistant coroner has any functions in relation to the body or the investigation.
- (3) Accordingly a reference in a statutory provision (whenever made) to a senior coroner is to be read, where appropriate, as including the Chief Coroner exercising functions by virtue of this paragraph.

**Commencement Information**

**I69** Sch. 10 para. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(n)

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

PROSPECTIVE

*Investigation by Coroner for Treasure*

- 2
- (1) The Chief Coroner may direct the Coroner for Treasure to conduct an investigation into a person's death.
  - (2) Where a direction is given under this paragraph—
    - (a) the Coroner for Treasure must conduct the investigation;
    - (b) the Coroner for Treasure has the same functions in relation to the body and the investigation as would be the case if he or she were a senior coroner in whose area the body was situated;
    - (c) no senior coroner, area coroner or assistant coroner has any functions in relation to the body or the investigation.
  - (3) Accordingly, a reference in a statutory provision (whenever made) to a senior coroner is to be read, where appropriate, as including the Coroner for Treasure exercising functions by virtue of this paragraph.

*Investigation by judge, former judge or former coroner*

- 3
- (1) If requested to do so by the Chief Coroner, the Lord Chief Justice may nominate a person within sub-paragraph (2) to conduct an investigation into a person's death.
  - (2) A person is within this sub-paragraph if at the time of the nomination he or she is—
    - (a) a judge of the High Court,
    - (b) a Circuit judge, or
    - (c) a person who has held office as a judge of the Court of Appeal or of the High Court (but no longer does so),and is under the age of 75.
  - (3) The Chief Coroner may request a person who at the time of the request—
    - (a) has held office as a senior coroner (but no longer does so), and
    - (b) is under the age of 75,to conduct an investigation into a person's death.
  - (4) If a person nominated or requested under this paragraph agrees to conduct the investigation—
    - (a) that person is under a duty to do so;
    - (b) that person has the same functions in relation to the body and the investigation as would be the case if he or she were a senior coroner in whose area the body was situated;
    - (c) no senior coroner, area coroner or assistant coroner has any functions in relation to the body or the investigation.
  - (5) Accordingly a reference in a statutory provision (whenever made) to a coroner is to be read, where appropriate, as including a person who has been nominated or requested under this paragraph to conduct an investigation and has agreed to do so.
  - (6) The Lord Chief Justice must consult the Lord Chancellor before making a nomination under this paragraph.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

#### Commencement Information

**I70** Sch. 10 para. 3 in force at 25.7.2013 by S.I. 2013/1869, art. 2(n)

PROSPECTIVE

#### *Appeals*

F174

#### Textual Amendments

**F17** Sch. 10 para. 4 repealed (14.2.2012) by Public Bodies Act 2011 (c. 24), ss. 33(2), 38(1)

#### *Investigations already begun*

- 5 A reference in this Schedule to conducting an investigation, in the case of an investigation that has already begun, is to be read as a reference to continuing to conduct the investigation.

#### Commencement Information

**I71** Sch. 10 para. 5 in force at 25.7.2013 by S.I. 2013/1869, art. 2(n)

## SCHEDULE 11

Section 49

### AMENDMENTS TO THE CORONERS ACT (NORTHERN IRELAND) 1959

#### *Witnesses and evidence*

- 1 In the Coroners Act (Northern Ireland) 1959 (c. 15), for section 17 (witnesses to be summoned) substitute—

#### **“17A Power to require evidence to be given or produced**

- (1) A coroner who proceeds to hold an inquest may by notice require a person to attend at a time and place stated in the notice and—
- (a) to give evidence at the inquest,
  - (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to the inquest, or
  - (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to the inquest.



*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

- (2) A coroner who is making any investigation to determine whether or not an inquest is necessary, or who proceeds to hold an inquest, may by notice require a person, within such period as the coroner thinks reasonable—
  - (a) to provide evidence to the coroner, about any matters specified in the notice, in the form of a written statement,
  - (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to the investigation or inquest, or
  - (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to the investigation or inquest.
- (3) A notice under subsection (1) or (2) shall—
  - (a) explain the possible consequences, under subsection (6), of not complying with the notice;
  - (b) indicate what the recipient of the notice should do if he wishes to make a claim under subsection (4).
- (4) A claim by a person that—
  - (a) he is unable to comply with a notice under this section, or
  - (b) it is not reasonable in all the circumstances to require him to comply with such a notice,is to be determined by the coroner, who may revoke or vary the notice on that ground.
- (5) In deciding whether to revoke or vary a notice on the ground mentioned in subsection (4)(b), the coroner shall consider the public interest in the information in question being obtained for the purposes of the inquest, having regard to the likely importance of the information.
- (6) A coroner may impose a fine not exceeding £1000 on a person who fails without reasonable excuse to do anything required by a notice under subsection (1) or (2).
- (7) For the purposes of this section a document or thing is under a person's control if it is in the person's possession or if he has a right to possession of it.
- (8) Nothing in this section shall prevent a person who has not been given a notice under subsection (1) or (2) from giving or producing any evidence, document or other thing.

### **17B Giving or producing evidence: further provision**

- (1) The power of a coroner under section 17A(6) is additional to, and does not affect, any other power the coroner may have—
  - (a) to compel a person to appear before him;
  - (b) to compel a person to give evidence or produce any document or other thing;
  - (c) to punish a person for contempt of court for failure to appear or to give evidence or to produce any document or other thing.

But a person may not be fined under that section and also be punished under any such other power.

*Status: Point in time view as at 10/03/2022.*

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- (2) A person may not be required to give or produce any evidence or document under section 17A if—
- (a) he could not be required to do so in civil proceedings in a court in Northern Ireland, or
  - (b) the requirement would be incompatible with a Community obligation.
- (3) The rules of law under which evidence or documents are permitted or required to be withheld on grounds of public interest immunity apply in relation to an inquest as they apply in relation to civil proceedings in a court in Northern Ireland.

### 17C Offences relating to evidence

- (1) It is an offence for a person to do anything that is intended to have the effect of—
- (a) distorting or otherwise altering any evidence, document or other thing that is given or produced for the purposes of any investigation or inquest under this Act, or
  - (b) preventing any evidence, document or other thing from being given or produced for the purposes of such an investigation or inquest,
- or to do anything that the person knows or believes is likely to have that effect.
- (2) It is an offence for a person—
- (a) intentionally to suppress or conceal a document that is, and that the person knows or believes to be, a relevant document, or
  - (b) intentionally to alter or destroy such a document.
- (3) For the purposes of subsection (2) a document is a “relevant document” if it is likely that a coroner making any investigation or holding an inquest would (if aware of its existence) wish to be provided with it.
- (4) A person does not commit an offence under subsection (1) or (2) by doing anything that is authorised or required—
- (a) by a coroner, or
  - (b) by virtue of section 17B(2) or (3) or any privilege that applies.
- (5) Proceedings for an offence under subsection (1) or (2) may be instituted only by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (6) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.”

#### Commencement Information

I72 Sch. 11 para. 1 in force at 29.2.2016 by S.R. 2016/23, art. 2

- 2 Omit sections 19 (service of summonses) and 20 (provisions as to witnesses) of that Act.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

**Commencement Information**

**I73** Sch. 11 para. 2 in force at 29.2.2016 by S.R. 2016/23, art. 2

SCHEDULE 12

Section 61

ENCOURAGING OR ASSISTING SUICIDE: PROVIDERS OF INFORMATION SOCIETY SERVICES

*Domestic service providers: extension of liability*

**F18**<sup>1</sup> .....

**Textual Amendments**

**F18** Sch. 12 para. 1 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **7(1)(a)**

**F19**<sup>2</sup> .....

**Textual Amendments**

**F19** Sch. 12 para. 2 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **7(1)(b)**

*Non-UK service providers: restriction on institution of proceedings*

**F20**<sup>3</sup> .....

**Textual Amendments**

**F20** Sch. 12 para. 3 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **7(1)(c)**

*Exceptions for mere conduits*

- 4 (1) A service provider is not capable of being guilty of a relevant offence in respect of anything done in the course of providing so much of an information society service as consists in—
- (a) the provision of access to a communication network, or
  - (b) the transmission in a communication network of information provided by a recipient of the service,
- if the condition in sub-paragraph (2) is satisfied.
- (2) The condition is that the service provider does not—
- (a) initiate the transmission,
  - (b) select the recipient of the transmission, or

*Status: Point in time view as at 10/03/2022.*

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- (c) select or modify the information contained in the transmission.
- (3) For the purposes of sub-paragraph (1)—
- (a) the provision of access to a communication network, and
  - (b) the transmission of information in a communication network,
- includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

**Commencement Information**

**I74** Sch. 12 para. 4 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

*Exception for caching*

- 5 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.
- (2) The service provider is not capable of being guilty of a relevant offence in respect of the automatic, intermediate and temporary storage of information so provided, if—
- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
  - (b) the condition in sub-paragraph (3) is satisfied.
- (3) The condition is that the service provider—
- (a) does not modify the information,
  - (b) complies with any conditions attached to having access to the information, and
  - (c) (where sub-paragraph (4) applies) expeditiously removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
- (a) the information at the initial source of the transmission has been removed from the network,
  - (b) access to it has been disabled, or
  - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

**Commencement Information**

**I75** Sch. 12 para. 5 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

*Status:* Point in time view as at 10/03/2022.

*Changes to legislation:* Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)

### *Exception for hosting*

- 6 (1) A service provider is not capable of being guilty of a relevant offence in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service if—
- (a) the service provider had no actual knowledge when the information was provided that the information was capable of, and provided with the intention of, encouraging or assisting suicide or an attempt at suicide, or
  - (b) on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to the information.
- (2) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

#### **Commencement Information**

**I76** Sch. 12 para. 6 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 22

### *Interpretation*

- 7 (1) This paragraph applies for the purposes of this Schedule.
- [<sup>F21</sup>(2) “Relevant offence” means an offence under—
- (a) section 2 of the Suicide Act 1961 (c.60) (criminal liability for complicity in another’s suicide), or
  - (b) section 13 of the Criminal Justice Act (Northern Ireland) 1966 (c. 20 (N.I.)) (criminal liability for complicity in another’s suicide).]

(3) “Information society services”—

    - (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
    - (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

and “the E-Commerce Directive” means Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).

(4) “Recipient”, in relation to a service, means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.

(5) “Service provider” means a person providing an information society service.

[<sup>F22</sup>(6) . . . . .]

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

#### Textual Amendments

- F21** Sch. 12 para. 7(2) substituted (29.7.2021) by [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **7(1)(d)**
- F22** Sch. 12 para. 7(6) omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **7(1)(e)**

#### Commencement Information

- I77** Sch. 12 para. 7 in force at 1.2.2010 by [S.I. 2010/145](#), art. 2(2), **Sch. para. 22**

## SCHEDULE 13

Section 68

### PROHIBITED IMAGES: PROVIDERS OF INFORMATION SOCIETY SERVICES

#### *Domestic service providers: extension of liability*

**F23**<sub>1</sub> .....

#### Textual Amendments

- F23** Sch. 13 para. 1 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **7(2)(a)**

#### *Non-UK service providers: restriction on institution of proceedings*

**F24**<sub>2</sub> .....

#### Textual Amendments

- F24** Sch. 13 para. 2 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **7(2)(b)**

#### *Exceptions for mere conduits*

- 3 (1) A service provider is not capable of being guilty of an offence under section 62(1) in respect of anything done in the course of providing so much of an information society service as consists in—
- (a) the provision of access to a communication network, or
  - (b) the transmission in a communication network of information provided by a recipient of the service,
- if the condition in sub-paragraph (2) is satisfied.
- (2) The condition is that the service provider does not—
- (a) initiate the transmission,
  - (b) select the recipient of the transmission, or
  - (c) select or modify the information contained in the transmission.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

- (3) For the purposes of sub-paragraph (1)—
- (a) the provision of access to a communication network, and
  - (b) the transmission of information in a communication network,
- includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

**Commencement Information**

**I78** Sch. 13 para. 3 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

*Exception for caching*

- 4 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.
- (2) The service provider is not capable of being guilty of an offence under section 62(1) in respect of the automatic, intermediate and temporary storage of information so provided, if—
- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
  - (b) the condition in sub-paragraph (3) is satisfied.
- (3) The condition is that the service provider—
- (a) does not modify the information,
  - (b) complies with any conditions attached to having access to the information, and
  - (c) (where sub-paragraph (4) applies) expeditiously removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
- (a) the information at the initial source of the transmission has been removed from the network,
  - (b) access to it has been disabled, or
  - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

**Commencement Information**

**I79** Sch. 13 para. 4 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

*Exception for hosting*

- 5 (1) A service provider is not capable of being guilty of an offence under section 62(1) in respect of anything done in the course of providing so much of an information

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society service as consists in the storage of information provided by a recipient of the service if—

- (a) the service provider had no actual knowledge when the information was provided that it contained offending material, or
- (b) on obtaining actual knowledge that the information contained offending material, the service provider expeditiously removed the information or disabled access to it.

(2) “Offending material” means material the possession of which constitutes an offence under section 62(1).

(3) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

#### **Commencement Information**

**I80** Sch. 13 para. 5 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 16

#### *Interpretation*

6 (1) This paragraph applies for the purposes of this Schedule.

(2) “Prohibited image of a child” has the same meaning as in section 62.

(3) “Information society services”—

- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
- (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

and “the E-Commerce Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).

(4) “Recipient”, in relation to a service, means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.

(5) “Service provider” means a person providing an information society service.

<sup>F25</sup>(6) .....

#### **Textual Amendments**

**F25** Sch. 13 para. 6(6) omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, [7\(2\)\(c\)](#)



*Status: Point in time view as at 10/03/2022.*

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**Commencement Information**

**181** Sch. 13 para. 6 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 16](#)

SCHEDULE 14

Section 99

SCHEDULE 1A TO THE YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

**Commencement Information**

**182** Sch. 14 in force at 27.6.2011 by [S.I. 2011/1452](#), art. 2(f)

The following is the Schedule to be inserted as Schedule 1A to the Youth Justice and Criminal Evidence Act 1999 (c. 23)—

“SCHEDULE 1A

RELEVANT OFFENCES FOR THE PURPOSES OF SECTION 17

*Murder and manslaughter*

- 1 Murder in a case where it is alleged that a firearm or knife was used to cause the death in question.
- 2 Manslaughter in a case where it is alleged that a firearm or knife was used to cause the death in question.
- 3 Murder or manslaughter in a case (other than a case falling within paragraph 1 or 2) where it is alleged that—
  - (a) the accused was carrying a firearm or knife at any time during the commission of the offence, and
  - (b) a person other than the accused knew or believed at any time during the commission of the offence that the accused was carrying a firearm or knife.

*Offences against the Person Act 1861 (c. 100)*

- 4 An offence under section 18 of the Offences against the Person Act 1861 (wounding with intent to cause grievous bodily harm etc) in a case where it is alleged that a firearm or knife was used to cause the wound or harm in question.
- 5 An offence under section 20 of that Act (malicious wounding) in a case where it is alleged that a firearm or knife was used to cause the wound or inflict the harm in question.
- 6 An offence under section 38 of that Act (assault with intent to resist arrest) in a case where it is alleged that a firearm or knife was used to carry out the assault in question.
- 7 An offence under section 47 of the Offences against the Person Act 1861 (assault occasioning actual bodily harm) in a case where it is alleged that a firearm or knife was used to inflict the harm in question.

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- 8 An offence under section 18, 20, 38 or 47 of the Offences against the Person Act 1861 in a case (other than a case falling within any of paragraphs 4 to 7) where it is alleged that—
- (a) the accused was carrying a firearm or knife at any time during the commission of the offence, and
  - (b) a person other than the accused knew or believed at any time during the commission of the offence that the accused was carrying a firearm or knife.

*Prevention of Crime Act 1953 (c. 14)*

- 9 An offence under section 1 of the Prevention of Crime Act 1953 (having an offensive weapon in a public place).

*Firearms Act 1968 (c. 27)*

- 10 An offence under section 1 of the Firearms Act 1968 (requirement of firearm certificate).
- 11 An offence under section 2(1) of that Act (possession etc of a shot gun without a certificate).
- 12 An offence under section 3 of that Act (business and other transactions with firearms and ammunition).
- 13 An offence under section 4 of that Act (conversion of weapons).
- 14 An offence under section 5(1) of that Act (weapons subject to general prohibition).
- 15 An offence under section 5(1A) of that Act (ammunition subject to general prohibition).
- 16 An offence under section 16 of that Act (possession with intent to injure).
- 17 An offence under section 16A of that Act (possession with intent to cause fear of violence).
- 18 An offence under section 17 of that Act (use of firearm to resist arrest).
- 19 An offence under section 18 of that Act (carrying firearm with criminal intent).
- 20 An offence under section 19 of that Act (carrying firearm in a public place).
- 21 An offence under section 20 of that Act (trespassing with firearm).
- 22 An offence under section 21 of that Act (possession of firearms by person previously convicted of crime).
- 23 An offence under section 21A of that Act (firing an air weapon beyond premises).
- 24 An offence under section 24A of that Act (supplying imitation firearms to minors).

*Criminal Justice Act 1988 (c. 33)*

- 25 An offence under section 139 of the Criminal Justice Act 1988 (having article with blade or point in public place).
- 26 An offence under section 139A of that Act (having article with blade or point (or offensive weapon) on school premises).

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*Violent Crime Reduction Act 2006 (c. 38)*

- 27 An offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon).
- 28 An offence under section 32 of that Act (sales of air weapons by way of trade or business to be face to face).
- 29 An offence under section 36 of that Act (manufacture, import and sale of realistic imitation firearms).

*General*

- 30 A reference in any of paragraphs 1 to 8 to an offence (“offence A”) includes—
- (a) a reference to an attempt to commit offence A in a case where it is alleged that it was attempted to commit offence A in the manner or circumstances described in that paragraph,
  - (b) a reference to a conspiracy to commit offence A in a case where it is alleged that the conspiracy was to commit offence A in the manner or circumstances described in that paragraph,
  - (c) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed in a case where it is alleged that the person intended or believed offence A would be committed in the manner or circumstances described in that paragraph, and
  - (d) a reference to aiding, abetting, counselling or procuring the commission of offence A in a case where it is alleged that offence A was committed, or the act or omission charged in respect of offence A was done or made, in the manner or circumstances described in that paragraph.
- 31 A reference in any of paragraphs 9 to 29 to an offence (“offence A”) includes—
- (a) a reference to an attempt to commit offence A,
  - (b) a reference to a conspiracy to commit offence A,
  - (c) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed, and
  - (d) a reference to aiding, abetting, counselling or procuring the commission of offence A.

*Interpretation*

- 32 In this Schedule—
- “firearm” has the meaning given by section 57 of the Firearms Act 1968;
  - “knife” has the meaning given by section 10 of the Knives Act 1997.”

*Status: Point in time view as at 10/03/2022.*

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## SCHEDULE 15

Section 118

### THE SENTENCING COUNCIL FOR ENGLAND AND WALES

#### *Constitution of the Council*

- 1 The Council is to consist of—
- (a) 8 members appointed by the Lord Chief Justice with the agreement of the Lord Chancellor (“judicial members”);
  - (b) 6 members appointed by the Lord Chancellor with the agreement of the Lord Chief Justice (“non-judicial members”).

#### **Commencement Information**

**183** Sch. 15 para. 1 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

#### *Appointment of a person to chair the Council etc*

- 2 The Lord Chief Justice must, with the agreement of the Lord Chancellor, appoint—
- (a) a judicial member to chair the Council (“the chairing member”), and
  - (b) another judicial member to chair the Council in the absence of the chairing member.

#### **Commencement Information**

**184** Sch. 15 para. 2 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

#### *Appointment of judicial members*

- 3 (1) A person is eligible for appointment as a judicial member if the person is—
- (a) a judge of the Court of Appeal,
  - (b) a puisne judge of the High Court,
  - (c) a Circuit judge,
  - (d) a District Judge (Magistrates' Courts), or
  - (e) a lay justice.
- (2) The judicial members must include at least one Circuit judge, one District Judge (Magistrates' Courts) and one lay justice.
- (3) When appointing judicial members, the Lord Chief Justice must have regard to the desirability of the judicial members including at least one person who appears to the Lord Chief Justice to have responsibilities relating to the training of judicial office-holders who exercise criminal jurisdiction in England and Wales.
- (4) “Judicial office-holder” has the meaning given by section 109(4) of the Constitutional Reform Act 2005 (c. 4).

#### **Commencement Information**

**185** Sch. 15 para. 3 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

*Status: Point in time view as at 10/03/2022.*

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#### *Appointment of non-judicial members*

- 4 (1) A person is eligible for appointment as a non-judicial member if the person appears to the Lord Chancellor to have experience in one or more of the following areas—
- (a) criminal defence;
  - (b) criminal prosecution;
  - (c) policing;
  - (d) sentencing policy and the administration of justice;
  - (e) the promotion of the welfare of victims of crime;
  - (f) academic study or research relating to criminal law or criminology;
  - (g) the use of statistics;
  - (h) the rehabilitation of offenders.
- (2) The persons eligible for appointment as a non-judicial member by virtue of experience of criminal prosecution include the Director of Public Prosecutions.

#### **Commencement Information**

**I86** Sch. 15 para. 4 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

#### *President of the Council*

- 5 (1) The Lord Chief Justice is to have the title of President of the Sentencing Council for England and Wales.
- (2) The President is not a member of the Council.

#### **Commencement Information**

**I87** Sch. 15 para. 5 in force at 1.2.2010 for specified purposes by S.I. 2010/145, art. 2(2), Sch. para. 23(b)

**I88** Sch. 15 para. 5 in force at 6.4.2010 in so far as not already in force by S.I. 2010/816, art. 2, Sch. para. 17

#### *Lord Chancellor's representative*

- 6 (1) The Lord Chancellor may appoint a person to attend and speak at any meeting of the Council.
- (2) The person appointed under sub-paragraph (1) must be a person appearing to the Lord Chancellor to have experience of sentencing policy.

#### **Commencement Information**

**I89** Sch. 15 para. 6 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

#### *Terms of appointment*

- 7 (1) The Lord Chancellor may by order make provision—
- (a) as to the term of office, resignation and re-appointment of judicial members and non-judicial members;

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- (b) enabling the Lord Chancellor to remove a judicial member from office, with the agreement of the Lord Chief Justice, on the grounds of incapacity or misbehaviour;
  - (c) enabling the Lord Chancellor to remove a non-judicial member from office on the grounds of incapacity or misbehaviour.
- (2) The following provisions apply to an order under sub-paragraph (1)—
- (a) if the order includes provision falling within sub-paragraph (1)(a), the Lord Chancellor must consult the Lord Chief Justice about that provision before making the order;
  - (b) if the order includes provision falling within sub-paragraph (1)(b), the order may not be made unless the Lord Chief Justice agrees to the inclusion of that provision.

**Commencement Information**

**I90** Sch. 15 para. 7 in force at 1.2.2010 for specified purposes by S.I. 2010/145, art. 2(2), Sch. para. 23(b)

**I91** Sch. 15 para. 7 in force at 6.4.2010 in so far as not already in force by S.I. 2010/816, art. 2, Sch. para. 17

*Vacancies etc*

- 8 The validity of anything done by the Council is not affected by any vacancy among its members, by any defect in the appointment of a member or by any failure to comply with paragraph 2, 3 or 4.

**Commencement Information**

**I92** Sch. 15 para. 8 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 17

*Remuneration etc*

- 9 (1) The Lord Chancellor may pay—
- (a) to any judicial member who is appointed by virtue of being a lay justice, such remuneration or expenses as the Lord Chancellor may determine, and
  - (b) to any other judicial member, such expenses as the Lord Chancellor may determine.
- (2) The Lord Chancellor may pay to any non-judicial member such remuneration or expenses as the Lord Chancellor may determine (except that, where the Director of Public Prosecutions is such a member, no remuneration may be paid to the Director).

**Commencement Information**

**I93** Sch. 15 para. 9 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 23(a)

*Interpretation*

- 10 In this Schedule “lay justice” means a justice of the peace who is not a District Judge (Magistrates' Courts).

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#### Commencement Information

**194** Sch. 15 para. 10 in force at 1.2.2010 for specified purposes by S.I. 2010/145, art. 2(2), Sch. para. 23(b)

**195** Sch. 15 para. 10 in force at 6.4.2010 in so far as not already in force by S.I. 2010/816, art. 2, Sch. para. 17

## SCHEDULE 16

Section 137

### EXTENSION OF DISQUALIFICATION FOR DRIVING

PROSPECTIVE

*Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6))*

1 After Article 8 of the Criminal Justice (Northern Ireland) Order 1980 insert—

#### **Extension of disqualification where custodial sentence also imposed**

“8A (1) This Article applies where a person is convicted of an offence for which the court—

- (a) imposes a custodial sentence, and
  - (b) orders the person to be disqualified under Article 8 for holding or obtaining a driving licence or a provisional licence granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).
- (2) The order under Article 8 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.
- (3) The discretionary disqualification period is the period for which, in the absence of this Article, the court would have disqualified the person under Article 8.
- (4) The appropriate extension period is—
- (a) where a court imposes a sentence under Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) (punishment of grave crimes: indeterminate sentences), a period equal to the period specified in the sentence under Article 45(2) of that Order less any relevant discount;
  - (b) where an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order less any relevant discount;
  - (c) where Article 8(1) of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (sentence for a determinate term) applies in relation to the custodial sentence, a period equal to the custodial period specified pursuant to Article 8(2) of that Order less any relevant discount;

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- (d) where a court imposes a sentence under Article 13(3) of the Criminal Justice (Northern Ireland) Order 2008 (indeterminate custodial sentences for serious offences), a period equal to the period specified pursuant to Article 13(3)(b) of that Order less any relevant discount;
  - (e) where Article 14(3) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged over 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(3)(a) of that Order calculated after that term has been reduced by any relevant discount;
  - (f) where Article 14(5) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged under 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(5)(a) of that Order calculated after that term has been reduced by any relevant discount;
  - (g) in any other case, a period equal to half the custodial sentence imposed calculated after that sentence has been reduced by any relevant discount.
- (5) If a period determined under paragraph (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.
- (6) The “relevant discount” is the number of days by which the custodial sentence is treated as reduced by virtue of section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29) (periods in custody before sentence passed etc).
- (7) This Article does not apply where—
- (a) the custodial sentence was a suspended sentence, or
  - (b) the court has made an order under Article 5(3) of the Life Sentences (Northern Ireland) Order 2001 (life sentence: no early release) in relation to the custodial sentence.
- (8) Paragraph (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in Article 18(2)(b) of the Criminal Justice (Northern Ireland) Order 2008 (duty to release prisoners serving extended custodial sentences) is to be read as a reference to another proportion (“the new proportion”).
- (9) The Secretary of State may by order provide that the proportion specified in paragraph (4)(e) and (f) of this Article is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.
- (10) An order under paragraph (9) is subject to annulment by a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (instruments subject to [F<sup>26</sup>negative resolution]).
- (11) In this Article—



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“amending order” means an order under Article 18(9) of the Criminal Justice (Northern Ireland) Order 2008 (alteration by order of relevant part of sentence);

“custodial sentence” has the meaning given by Article 4 of the Criminal Justice (Northern Ireland) Order 2008;

“suspended sentence” means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

### Effect of custodial sentence in other cases

- 8B (1) This Article applies where a person is convicted of an offence for which a court proposes to order the person to be disqualified under Article 8 for holding or obtaining a driving licence or a provisional licence granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) and—
- (a) the court proposes to impose on the person a custodial sentence (other than a suspended sentence) for another offence, or
  - (b) at the time of sentencing for the offence, a custodial sentence imposed on the person on an earlier occasion has not expired.
- (2) In determining the period for which the person is to be disqualified under Article 8, the court must have regard to the consideration in paragraph (3) if and to the extent that it is appropriate to do so.
- (3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.
- (4) If the court proposes to order the person to be disqualified under Article 8 and to impose a custodial sentence for the same offence, the court may not in relation to that disqualification take that custodial sentence into account for the purposes of paragraph (2).
- (5) In this Article “custodial sentence” and “suspended sentence” have the same meaning as in Article 8A.”

#### Textual Amendments

- F26** Words in *Sch. 16 para. 1* substituted (12.4.2010) by *The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010* (S.I. 2010/976), art. 1(2), **Sch. 14 para. 104(2)** (with arts. 28-31)

### *Road Traffic Offenders Act 1988 (c. 53)*

- 2 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) After section 35 insert—

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### **“35A Extension of disqualification where custodial sentence also imposed**

- (1) This section applies where a person is convicted in England and Wales of an offence for which the court—
  - (a) imposes a custodial sentence, and
  - (b) orders the person to be disqualified under section 34 or 35.
- (2) The order under section 34 or 35 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.
- (3) The discretionary disqualification period is the period for which, in the absence of this section, the court would have disqualified the person under section 34 or 35.
- (4) The appropriate extension period is—
  - (a) where an order under section 82A(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (life sentence: determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order;
  - (b) in the case of a detention and training order under section 100 of that Act (offenders under 18: detention and training orders), a period equal to half the term of that order;
  - (c) where an order under section 181 of the Criminal Justice Act 2003 (prison sentences of less than 12 months) is made in relation to the custodial sentence, a period equal to the custodial period specified pursuant to section 181(3)(a) of that Act less any relevant discount;
  - (d) where an order under section 183 of that Act (intermittent custody orders) is made in relation to the custodial sentence, a period equal to the number of custodial days specified pursuant to section 183(1)(a) of that Act less any relevant discount;
  - (e) where section 227 of that Act (extended sentence for certain violent or sexual offences: persons 18 or over) applies in relation to the custodial sentence, a period equal to half the term imposed pursuant to section 227(2C)(a) of that Act calculated after that term has been reduced by any relevant discount;
  - (f) where section 228 of that Act (extended sentence for certain violent or sexual offences: persons under 18) applies in relation to the custodial sentence, a period equal to half the term imposed pursuant to section 228(2B)(a) of that Act calculated after that term has been reduced by any relevant discount;
  - (g) where an order under section 269(2) of that Act (determination of minimum term in relation to mandatory life sentence: early release) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order;
  - (h) in any other case, a period equal to half the custodial sentence imposed calculated after that sentence has been reduced by any relevant discount.
- (5) If a period determined under subsection (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.

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- (6) The “relevant discount” is the total number of days to count as time served by virtue of a direction under—
- (a) section 240 of the Criminal Justice Act 2003 (crediting periods of remand in custody), or
  - (b) section 240A of that Act (crediting periods of remand on bail).
- (7) This section does not apply where—
- (a) the custodial sentence was a suspended sentence,
  - (b) the court has made an order under section 269(4) of the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence: no early release) in relation to the custodial sentence, or
  - (c) the court has made an order under section 82A(4) of the Powers of Criminal Courts (Sentencing) Act 2000 (determination of minimum term in relation to discretionary life sentence: no early release) in relation to the custodial sentence.
- (8) Subsection (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in section 244(3)(a) or 247(2) of the Criminal Justice Act 2003 (release of prisoners in certain circumstances) is to be read as a reference to another proportion (“the new proportion”).
- (9) The Secretary of State may by order—
- (a) if the amending order makes provision in respect of section 244(3) (a) of that Act, provide that the proportion specified in subsection (4) (h) of this section is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion;
  - (b) if the amending order makes provision in respect of section 247(2) of that Act, provide that the proportion specified in subsection (4) (e) and (f) of this section is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.
- (10) An order under subsection (9) is to be made by statutory instrument and a draft of the statutory instrument containing the order must be laid before, and approved by a resolution of, each House of Parliament.
- (11) In this section—
- “amending order” means an order under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence);
  - “custodial sentence” has the meaning given by section 76 of the Powers of Criminal Courts (Sentencing) Act 2000;
  - “suspended sentence” has the meaning given by section 189 of the Criminal Justice Act 2003.”

#### **Effect of custodial sentence in other cases**

- “35B(1) This section applies where a person is convicted in England and Wales of an offence for which a court proposes to order the person to be disqualified under section 34 or 35 and—

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- (a) the court proposes to impose on the person a custodial sentence (other than a suspended sentence) for another offence, or
  - (b) at the time of sentencing for the offence, a custodial sentence imposed on the person on an earlier occasion has not expired.
- (2) In determining the period for which the person is to be disqualified under section 34 or 35, the court must have regard to the consideration in subsection (3) if and to the extent that it is appropriate to do so.
- (3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.
- (4) If the court proposes to order the person to be disqualified under section 34 or 35 and to impose a custodial sentence for the same offence, the court may not in relation to that disqualification take that custodial sentence into account for the purposes of subsection (2).
- (5) In this section “custodial sentence” and “suspended sentence” have the same meaning as in section 35A.”
- (3) After section 35B (as inserted by sub-paragraph (2)) insert—

**“35C Extension of disqualification where sentence of imprisonment also imposed: Scotland**

- (1) This section applies where a person is convicted in Scotland of an offence for which the court—
  - (a) imposes a sentence of imprisonment, and
  - (b) orders the person to be disqualified under section 34 or 35.
- (2) The order under section 34 or 35 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.
- (3) The discretionary disqualification period is the period for which, in the absence of this section, the court would have disqualified the person under section 34 or 35.
- (4) The appropriate extension period is—
  - (a) in the case of a life prisoner, a period equal to the punishment part of the life sentence;
  - (b) in the case of a custody and community prisoner, a period equal to half the custody part of the sentence of imprisonment;
  - (c) in the case of a person serving an extended sentence, a period equal to half the confinement term;
  - (d) in any other case, a period equal to half the sentence of imprisonment imposed.
- (5) If a period determined under subsection (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.
- (6) For the purposes of subsection (4), a sentence is to be taken to start on the date of commencement of the sentence.

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- (7) Subsection (8) applies where an amending order provides for a different proportion (“the new proportion”) to be substituted for the proportion of a prisoner's sentence referred to in section 6(4)(a) of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17) (“the 2007 Act”).
- (8) The Secretary of State may by order provide that the proportion specified in subsection (4)(b) and (c) of this section is to be read, in the case of a sentence of imprisonment to which the amending order applies, as a reference to the new proportion.
- (9) An order under subsection (8) is to be made by statutory instrument and a draft of the statutory instrument containing the order must be laid before, and approved by a resolution of, each House of Parliament.
- (10) In this section—
- “amending order” means an order made by the Scottish Ministers under section 7 of the 2007 Act;
  - “confinement term” has the meaning given by section 210A(2) (a) of the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”);
  - “custody and community prisoner” has the meaning given by section 4 of the 2007 Act;
  - “custody part” has the meaning given by section 6(3) of the 2007 Act;
  - “extended sentence” has the meaning given by section 210A of the 1995 Act;
  - “life prisoner” has the meaning given by section 4 of the 2007 Act;
  - “punishment part” has the meaning given by section 4 of the 2007 Act;
  - “sentence of imprisonment” includes—
    - (a) an order for detention in residential accommodation under section 44 of the 1995 Act, and
    - (b) a sentence of detention under section 205, 207 or 208 of the 1995 Act.

### **35D Effect of sentence of imprisonment in other cases: Scotland**

- (1) This section applies where a person is convicted in Scotland of an offence for which a court proposes to order the person to be disqualified under section 34 or 35 and—
- (a) the court proposes to impose on the person a sentence of imprisonment for another offence, or
  - (b) at the time of sentencing for the offence, a sentence of imprisonment imposed on the person on an earlier occasion has not expired.
- (2) In determining the period for which the person is to be disqualified under section 34 or 35, the court must have regard to the consideration in subsection (3) if and to the extent that it is appropriate to do so.
- (3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a sentence of imprisonment.

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- (4) If the court proposes to order the person to be disqualified under section 34 or 35 and to impose a sentence of imprisonment for the same offence, the court may not in relation to that disqualification take that sentence of imprisonment into account for the purposes of subsection (2).
- (5) In this section “sentence of imprisonment” has the same meaning as in section 35C.”

#### Commencement Information

**I96** Sch. 16 para. 2(1)(2) in force at 13.4.2015 by S.I. 2015/819, art. 2(b)

**I97** Sch. 16 para. 2(3) in force at 16.7.2018 by S.I. 2018/733, art. 2(b)

#### *Criminal Procedure (Scotland) Act 1995 (c. 46)*

3 After section 248C of the Criminal Procedure (Scotland) Act 1995 insert—

#### **“248D Extension of disqualification where sentence of imprisonment also imposed**

- (1) This section applies where a person is convicted of an offence for which the court—
  - (a) imposes a sentence of imprisonment, and
  - (b) orders the person to be disqualified under section 248 or 248A of this Act from holding or obtaining a driving licence.
- (2) The order under section 248 or 248A of this Act must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.
- (3) The discretionary disqualification period is the period for which, in the absence of this section, the court would have disqualified the person under section 248 or 248A of this Act.
- (4) The appropriate extension period is—
  - (a) in the case of a life prisoner, a period equal to the punishment part of the life sentence;
  - (b) in the case of a custody and community prisoner, a period equal to half the custody part of the sentence of imprisonment;
  - (c) in the case of a person serving an extended sentence, a period equal to half the confinement term;
  - (d) in any other case, a period equal to half the sentence of imprisonment imposed.
- (5) If a period determined under subsection (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.
- (6) For the purposes of subsection (4), a sentence is to be taken to start on the date of commencement of the sentence.
- (7) Subsection (8) applies where an amending order provides for a different proportion (“the new proportion”) to be substituted for the proportion of a

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prisoner's sentence referred to in section 6(4)(a) of the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17) (“the 2007 Act”).

- (8) The Secretary of State may by order provide that the proportion specified in subsection (4)(b) and (c) of this section is to be read, in the case of a sentence of imprisonment to which the amending order relates, as a reference to the new proportion.
- (9) An order under subsection (8) is to be made by statutory instrument and a draft of the statutory instrument containing the order must be laid before, and approved by a resolution of, each House of Parliament.
- (10) In this section—
  - “amending order” means an order made by the Scottish Ministers under section 7 of the 2007 Act;
  - “confinement term” has the meaning given by section 210A(2)(a) of this Act;
  - “custody and community prisoner” has the meaning given by section 4 of the 2007 Act;
  - “custody part” has the meaning given by section 6(3) of the 2007 Act;
  - “extended sentence” has the meaning given by section 210A of this Act;
  - “life prisoner” has the meaning given by section 4 of the 2007 Act;
  - “punishment part” has the meaning given by section 4 of the 2007 Act;
  - “sentence of imprisonment” includes—
    - (a) an order for detention in residential accommodation under section 44 of this Act, and
    - (b) a sentence of detention under section 205, 207 or 208 of this Act.

#### **248E Effect of sentence of imprisonment in other cases**

- (1) This section applies where a person is convicted of an offence for which a court proposes to order the person to be disqualified under section 248 or 248A from holding or obtaining a driving licence and—
  - (a) the court proposes to impose on the person a sentence of imprisonment for another offence, or
  - (b) at the time of sentencing for the offence, a sentence of imprisonment imposed on the person on an earlier occasion has not expired.
- (2) In determining the period for which the person is to be disqualified under section 248 or 248A, the court must have regard to the consideration in subsection (3) if and to the extent that it is appropriate to do so.
- (3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a sentence of imprisonment.
- (4) If the court proposes to order the person to be disqualified under section 248 or 248A and to impose a sentence of imprisonment for the same offence,

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the court may not in relation to that disqualification take that sentence of imprisonment into account for the purposes of subsection (2).

(5) In this section “sentence of imprisonment” has the same meaning as in section 248D.”

#### Commencement Information

**I98** Sch. 16 para. 3 in force at 16.7.2018 by S.I. 2018/733, art. 2(b)

PROSPECTIVE

*Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10))*

4 After Article 40 of the Road Traffic Offenders (Northern Ireland) Order 1996 insert—

#### **Extension of disqualification where custodial sentence also imposed**

“40A(1) This Article applies where a person is convicted of an offence for which the court—

- (a) imposes a custodial sentence, and
  - (b) orders the person to be disqualified under Article 35 or 40.
- (2) The order under Article 35 or 40 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.
- (3) The discretionary disqualification period is the period for which, in the absence of this Article, the court would have disqualified the person under Article 35 or 40.
- (4) The appropriate extension period is—
- (a) where a court imposes a sentence under Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) (punishment of grave crimes: indeterminate sentences), a period equal to the period specified in the sentence under Article 45(2) of that Order less any relevant discount;
  - (b) where an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order less any relevant discount;
  - (c) where Article 8(1) of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (sentence for a determinate term) applies in relation to the custodial sentence, a period equal to the custodial period specified pursuant to Article 8(2) of that Order less any relevant discount;
  - (d) where a court imposes a sentence under Article 13(3) of the Criminal Justice (Northern Ireland) Order 2008 (indeterminate custodial sentences for serious offences), a period equal to the



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- period specified pursuant to Article 13(3)(b) of that Order less any relevant discount;
- (e) where Article 14(3) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged over 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(3)(a) of that Order calculated after that term has been reduced by any relevant discount;
  - (f) where Article 14(5) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged under 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(5)(a) of that Order calculated after that term has been reduced by any relevant discount;
  - (g) in any other case, a period equal to half the custodial sentence imposed calculated after that sentence has been reduced by any relevant discount.
- (5) If a period determined under paragraph (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.
- (6) The “relevant discount” is the number of days by which the custodial sentence is treated as reduced by virtue of section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29) (periods in custody before sentence passed etc).
- (7) This Article does not apply where—
- (a) the custodial sentence was a suspended sentence, or
  - (b) the court has made an order under Article 5(3) of the Life Sentences (Northern Ireland) Order 2001 (life sentence: no early release) in relation to the custodial sentence.
- (8) Paragraph (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in Article 18(2)(b) of the Criminal Justice (Northern Ireland) Order 2008 (duty to release prisoners serving extended custodial sentences) is to be read as a reference to another proportion (“the new proportion”).
- (9) The [<sup>F27</sup>Department of Justice] may by order provide that the proportion specified in paragraph (4)(e) and (f) of this Article is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.
- (10) An order under paragraph (9) is subject to [<sup>F28</sup>negative resolution].
- (11) In this Article—
- “amending order” means an order under Article 18(9) of the Criminal Justice (Northern Ireland) Order 2008 (alteration by order of relevant part of sentence);
  - “custodial sentence” has the meaning given by Article 4 of the Criminal Justice (Northern Ireland) Order 2008;
  - “suspended sentence” means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

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**Effect of custodial sentence in other cases**

- 40B (1) This Article applies where a person is convicted of an offence for which a court proposes to order the person to be disqualified under Article 35 or 40 and—
  - (a) the court proposes to impose on the person a custodial sentence (other than a suspended sentence) for another offence, or
  - (b) at the time of sentencing for the offence, a custodial sentence imposed on the person on an earlier occasion has not expired.
- (2) In determining the period for which the person is to be disqualified under Article 35 or 40, the court must have regard to the consideration in paragraph (3) if and to the extent that it is appropriate to do so.
- (3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.
- (4) If the court proposes to order the person to be disqualified under Article 35 or 40 and to impose a custodial sentence for the same offence, the court may not in relation to that disqualification take that custodial sentence into account for the purposes of paragraph (2).
- (5) In this Article “custodial sentence” and “suspended sentence” have the same meaning as in Article 40A.”

**Textual Amendments**

- F27** Words in Sch. 16 para. 4 substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 104\(3\)\(a\)](#) (with arts. 28-31)
- F28** Words in Sch. 16 para. 4 substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 104\(3\)\(b\)](#) (with arts. 28-31)

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

<sup>F29</sup>5 .....

**Textual Amendments**

- F29** Sch. 16 para. 5 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

PROSPECTIVE

*Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))*

6 After Article 91 of the Criminal Justice (Northern Ireland) Order 2008 insert—

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### **Extension of disqualification where custodial sentence also imposed**

“91A(1) This Article applies where a person is convicted of an offence for which the court—

- (a) imposes a custodial sentence, and
  - (b) orders the person to be disqualified under Article 91 for holding or obtaining a driving licence.
- (2) The order under Article 91 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.
- (3) The discretionary disqualification period is the period for which, in the absence of this Article, the court would have disqualified the person under Article 91.
- (4) The appropriate extension period is—
- (a) where a court imposes a sentence under Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) (punishment of grave crimes: indeterminate sentences), a period equal to the period specified in the sentence under Article 45(2) of that Order less any relevant discount;
  - (b) where an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order less any relevant discount;
  - (c) where Article 8(1) (sentence for a determinate term) applies in relation to the custodial sentence, a period equal to the custodial period specified pursuant to Article 8(2) less any relevant discount;
  - (d) where a court imposes a sentence under Article 13(3) (indeterminate custodial sentences for serious offences), a period equal to the period specified pursuant to Article 13(3)(b) less any relevant discount;
  - (e) where Article 14(3) (extended custodial sentences for certain offences where the offender is aged over 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(3)(a) calculated after that term has been reduced by any relevant discount;
  - (f) where Article 14(5) (extended custodial sentences for certain offences where the offender is aged under 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(5)(a) calculated after that term has been reduced by any relevant discount;
  - (g) in any other case, a period equal to half the custodial sentence imposed calculated after that sentence has been reduced by any relevant discount.
- (5) If a period determined under paragraph (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.

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- (6) The “relevant discount” is the number of days by which the custodial sentence is treated as reduced by virtue of section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29) (periods in custody before sentence passed etc).
- (7) This Article does not apply where—
- (a) the custodial sentence was a suspended sentence, or
  - (b) the court has made an order under Article 5(3) of the Life Sentences (Northern Ireland) Order 2001 (life sentence: no early release) in relation to the custodial sentence.
- (8) Paragraph (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in Article 18(2)(b) (duty to release prisoners serving extended custodial sentences) is to be read as a reference to another proportion (“the new proportion”).
- (9) The Secretary of State may by order provide that the proportion specified in paragraph (4)(e) and (f) of this Article is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.
- (10) In this Article—
- “amending order” means an order under Article 18(9) (alteration by order of relevant part of sentence);
  - “custodial sentence” has the meaning given by Article 4;
  - “driving licence” has the meaning given by Article 91;
  - “suspended sentence” means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

### **Effect of custodial sentence in other cases**

- 91B (1) This Article applies where a person is convicted of an offence for which a court proposes to order the person to be disqualified under Article 91 for holding or obtaining a driving licence and—
- (a) the court proposes to impose on the person a custodial sentence (other than a suspended sentence) for another offence, or
  - (b) at the time of sentencing for the offence, a custodial sentence imposed on the person on an earlier occasion has not expired.
- (2) In determining the period for which the person is to be disqualified under Article 91, the court must have regard to the consideration in paragraph (3) if and to the extent that it is appropriate to do so.
- (3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.
- (4) If the court proposes to order the person to be disqualified under Article 91 and to impose a custodial sentence for the same offence, the court may not in relation to that disqualification take that custodial sentence into account for the purposes of paragraph (2).

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(5) In this Article “custodial sentence” and “suspended sentence” have the same meaning as in Article 91A.”

## SCHEDULE 17

Section 144

### TREATMENT OF CONVICTIONS IN OTHER MEMBER STATES ETC

#### *Evidence of bad character*

- 1 (1) The Criminal Justice Act 2003 (c. 44) is amended as follows.
- (2) In section 103 (matter in issue between the defendant and the prosecution), after subsection (6) add—
  - “(7) Where—
    - (a) a defendant has been convicted of an offence under the law of any country outside England and Wales (“the previous offence”), and
    - (b) the previous offence would constitute an offence under the law of England and Wales (“the corresponding offence”) if it were done in England and Wales at the time of the trial for the offence with which the defendant is now charged (“the current offence”),subsection (8) applies for the purpose of determining if the previous offence and the current offence are of the same description or category.
  - (8) For the purposes of subsection (2)—
    - (a) the previous offence is of the same description as the current offence if the corresponding offence is of that same description, as set out in subsection (4)(a);
    - (b) the previous offence is of the same category as the current offence if the current offence and the corresponding offence belong to the same category of offences prescribed as mentioned in subsection (4)(b).
  - (9) For the purposes of subsection (10) “foreign service offence” means an offence which—
    - (a) was the subject of proceedings under the service law of a country outside the United Kingdom, and
    - (b) would constitute an offence under the law of England and Wales or a service offence (“the corresponding domestic offence”) if it were done in England and Wales by a member of Her Majesty's forces at the time of the trial for the offence with which the defendant is now charged (“the current offence”).
  - (10) Where a defendant has been found guilty of a foreign service offence (“the previous service offence”), for the purposes of subsection (2)—
    - (a) the previous service offence is an offence of the same description as the current offence if the corresponding domestic offence is of that same description, as set out in subsection (4)(a);
    - (b) the previous service offence is an offence of the same category as the current offence if the current offence and the corresponding

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domestic offence belong to the same category of offences prescribed as mentioned in subsection (4)(b).

(11) In this section—

“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006;

“service law”, in relation to a country outside the United Kingdom, means the law governing all or any of the naval, military or air forces of that country.”

(3) In section 108 (offences committed by defendant when a child), after subsection (2) insert—

“(2A) Subsection (2B) applies where—

- (a) the defendant has been convicted of an offence under the law of any country outside England and Wales (“the previous offence”), and
- (b) the previous offence would constitute an offence under the law of England and Wales (“the corresponding offence”) if it were done in England and Wales at the time of the proceedings for the offence with which the defendant is now charged.

(2B) For the purposes of subsection (2), the previous offence is to be regarded as triable only on indictment if the corresponding offence is so triable.”

#### Commencement Information

**199** Sch. 17 para. 1 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(i)

2 (1) The Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501 (N.I. 10)) is amended as follows.

(2) In Article 8 (matter in issue between the defendant and the prosecution), after paragraph (6) add—

“(7) Where—

- (a) a defendant has been convicted of an offence under the law of any country outside Northern Ireland (“the previous offence”), and
- (b) the previous offence would constitute an offence under the law of Northern Ireland (“the corresponding offence”) if it were done in Northern Ireland at the time of the trial for the offence with which the defendant is now charged (“the current offence”),

paragraph (8) applies for the purpose of determining if the previous offence and the current offence are of the same description or category.

(8) For the purposes of paragraph (2)—

- (a) the previous offence is of the same description as the current offence, if the corresponding offence is of that same description, as set out in paragraph (4)(a);
- (b) the previous offence is of the same category as the current offence, if the current offence and the corresponding offence belong to the same category of offences prescribed as mentioned in paragraph (4)(b).”

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(3) In Article 13 (offences committed by a defendant when a child), after paragraph (1) insert—

“(1A) Paragraph (1B) applies where—

- (a) the defendant has been convicted of an offence under the law of any country outside Northern Ireland (“the previous offence”), and
- (b) the previous offence would constitute an offence under the law of Northern Ireland (“the corresponding offence”) if it were done in Northern Ireland at the time of the proceedings for the offence with which the defendant is now charged.

(1B) For the purposes of paragraph (1), the previous offence is to be regarded as triable only on indictment if the corresponding offence is so triable.”

#### **Commencement Information**

**I100** Sch. 17 para. 2 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(i)

#### *Bail*

3 (1) Section 25 of the Criminal Justice and Public Order Act 1994 (c. 33) (no bail for defendants charged with or convicted of homicide or rape after previous conviction of such offences) is amended as follows.

(2) For subsection (3) substitute—

“(3) This section applies in the circumstances described in subsection (3A) or (3B) only.

(3A) This section applies where—

- (a) the person has been previously convicted by or before a court in any part of the United Kingdom of any offence within subsection (2) or of culpable homicide, and
- (b) if that previous conviction is one of manslaughter or culpable homicide—
  - (i) the person was then a child or young person, and was sentenced to long-term detention under any of the relevant enactments, or
  - (ii) the person was not then a child or young person, and was sentenced to imprisonment or detention.

(3B) This section applies where—

- (a) the person has been previously convicted by or before a court in another member State of any relevant foreign offence corresponding to an offence within subsection (2) or to culpable homicide, and
- (b) if the previous conviction is of a relevant foreign offence corresponding to the offence of manslaughter or culpable homicide—
  - (i) the person was then a child or young person, and was sentenced to detention for a period in excess of 2 years, or
  - (ii) the person was not then a child or young person, and was sentenced to detention.”

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- (3) In subsection (5), omit “and” at the end of the definition of “conviction”, and at the end insert—

““relevant foreign offence”, in relation to a member State other than the United Kingdom, means an offence under the law in force in that member State.”

- (4) After that subsection insert—

“(5A) For the purposes of subsection (3B), a relevant foreign offence corresponds to another offence if the relevant foreign offence would have constituted that other offence if it had been done in any part of the United Kingdom at the time when the relevant foreign offence was committed.”

#### Commencement Information

**I101** Sch. 17 para. 3 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(ii)

#### *Decision as to allocation*

- 4 (1) Section 19 of the Magistrates' Courts Act 1980 (c. 43) (decision as to allocation) (as substituted by Schedule 3 to the Criminal Justice Act 2003 (c. 44)) is amended as follows.

- (2) In subsection (5), omit “or” at the end of paragraph (a) and insert—

“(aa) a previous conviction by a court in another member State of a relevant offence under the law of that State; or”.

- (3) After that subsection insert—

“(5A) For the purposes of subsection (5)(aa) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time when the allocation decision is made.”

#### Commencement Information

**I102** Sch. 17 para. 4 in force at 28.5.2013 by S.I. 2013/1104, art. 2(b)

- 5 (1) Paragraph 9 of Schedule 3 to the Crime and Disorder Act 1998 (c. 37) (procedure where persons are sent for trial under section 51 of the Crime and Disorder Act 1998) (as amended by Schedule 3 to the Criminal Justice Act 2003) is amended as follows.

- (2) In sub-paragraph (5), omit “or” at the end of paragraph (a) and insert—

“(aa) a previous conviction by a court in another member State of a relevant offence under the law of that State, or”.

- (3) After that sub-paragraph, insert—

“(5A) For the purposes of sub-paragraph (5)(aa) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time when the allocation decision is made.”



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### Commencement Information

**I103** Sch. 17 para. 5 in force at 28.5.2013 by S.I. 2013/1104, art. 2(b)

### Seriousness

F30 6

### Textual Amendments

**F30** Sch. 17 para. 6 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

- 7 (1) Section 238 of the Armed Forces Act 2006 (c. 52) (deciding the seriousness of an offence) is amended as follows.
- (2) In subsection (3)—
- (a) omit “or” at the end of paragraph (a), and
  - (b) at the end of paragraph (b), insert—
    - “(c) a previous conviction by a court in a member State other than the United Kingdom of a relevant offence under the law of that State, or
    - (d) a finding of guilt in respect of a member State service offence.”
- (3) For subsection (4) substitute—
- “(4) Nothing in this section prevents the court or officer from treating—
- (a) a previous conviction by a court outside both the British Islands and any member State, or
  - (b) a previous conviction by a court in any member State (other than the United Kingdom) of an offence which is not a relevant offence or a member State service offence,
- as an aggravating factor in any case where the court or officer considers it appropriate to do so.
- (5) For the purposes of this section—
- (a) an offence is “relevant” if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time of the conviction in respect of the current offence,
  - (b) “member State service offence” means an offence which—
    - (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and
    - (ii) would constitute an offence under the law of any part of the United Kingdom, or a service offence, if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the defendant for the current offence, and

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- (c) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.”

#### Commencement Information

**I104** Sch. 17 para. 7 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(iii)

PROSPECTIVE

#### *Availability of community orders*

F31<sup>8</sup> .....

#### Textual Amendments

**F31** Sch. 17 para. 8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F32<sup>9</sup> .....

#### Textual Amendments

**F32** Sch. 17 para. 9 repealed (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), Sch. 5; S.I. 2012/669, art. 4(f)(i)

#### *Required custodial sentences for certain offences*

F33<sup>10</sup> .....

#### Textual Amendments

**F33** Sch. 17 para. 10 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

#### *Restriction on imposing custodial sentence or service detention*

- 11 In section 263 of the Armed Forces Act 2006 (c. 52) (restriction on imposing custodial sentence or service detention on unrepresented offender)—
- (a) at the end of subsection (2)(b) insert “, or sentenced to detention by a court in any other member State or for a member State service offence”, and
- (b) at the end of subsection (6)(b) insert—
- “ (c) member State service offence” means an offence which—
- (i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and

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- (ii) at the time it was done, would have constituted an offence in any part of the United Kingdom, or a service offence, if it had been done in any part of the United Kingdom by a member of Her Majesty's forces;
- (d) “service law”, in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.”

**Commencement Information**

**I105** Sch. 17 para. 11 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(v)

*Young offenders: referral conditions*

F34<sup>12</sup> .....

**Textual Amendments**

**F34** Sch. 17 para. 12 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

*Proving of foreign convictions before courts in England and Wales*

- 13 (1) Section 73 of the Police and Criminal Evidence Act 1984 (c. 60) (proof of convictions and acquittals) is amended as follows.
- (2) In subsection (1), after “Kingdom” insert “ or any other member State ”.
  - (3) In subsection (2), after paragraph (b) insert “; and
    - (c) shall, as regards a conviction or acquittal by a court in a member State (other than the United Kingdom), consist of a certificate, signed by the proper officer of the court where the conviction or acquittal took place, giving details of the offence, of the conviction or acquittal, and of any sentence;”.
  - (4) In subsection (3)—
    - (a) in paragraph (b), after “other court” insert “ in the United Kingdom ”, and
    - (b) after that paragraph add “, and
      - “(c) in relation to any court in another member State (“the EU court”), a person who would be the proper officer of the EU court if that court were in the United Kingdom.”

**Commencement Information**

**I106** Sch. 17 para. 13 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(vii)

- 14 (1) Section 74 of that Act (conviction as evidence of commission of offence) is amended as follows.

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- (2) In subsection (1), after “Kingdom” (in first place it occurs) insert “ or any other member State ”.
- (3) In subsection (2), after “Kingdom” (in first place it occurs) insert “ or any other member State ”.
- (4) In subsection (3)(a) after “Kingdom” insert “ or any other member State ”.

#### Commencement Information

**I107** Sch. 17 para. 14 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(vii)

- 15 In section 75 of that Act (provisions supplementary to section 74), for subsection (1) (b) substitute—
- “(b) the contents of—
- (i) the information, complaint, indictment or charge-sheet on which the person in question was convicted, or
- (ii) in the case of a conviction of an offence by a court in a member State (other than the United Kingdom), any document produced in relation to the proceedings for that offence which fulfils a purpose similar to any document or documents specified in sub-paragraph (i),”.

#### Commencement Information

**I108** Sch. 17 para. 15 in force at 15.8.2010 by S.I. 2010/1858, art. 3(d)(vii)

#### *Proving of foreign convictions before courts in Northern Ireland*

- 16 (1) Article 71 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (proof of convictions and acquittals) is amended as follows.
- (2) After paragraph (1) insert—
- “(1A) Where in any criminal proceedings the fact that a person has in a member State been convicted or acquitted of an offence is admissible in evidence, it may be proved by—
- (a) producing a certificate of conviction or, as the case may be, of acquittal relating to that offence, and
- (b) proving that the person named in the certificate as having been convicted or acquitted of the offence is the person whose conviction or acquittal of the offence is to be proved.”
- (3) In paragraph (2), after sub-paragraph (b) insert “; and
- “(c) shall, as regards a conviction or acquittal by a court in a member State (other than the United Kingdom), consist of a certificate, signed by the clerk of the court where the conviction or acquittal took place, giving details of the offence, of the conviction or acquittal, and of any sentence;”.

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#### Commencement Information

**I109** Sch. 17 para. 16 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(ii)

- 17 (1) Article 72 of that Order (conviction as evidence of commission of offence) is amended as follows.
- (2) In paragraph (1), after “Kingdom” (in first place it occurs) insert “ or any other member State ”.
- (3) In paragraph (2), after “Kingdom” (in first place it occurs) insert “ or any other member State ”.
- (4) In paragraph (3)(a), after “Kingdom” insert “ or any other member State ”.

#### Commencement Information

**I110** Sch. 17 para. 17 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(ii)

- 18 In Article 73 of that Order (provisions supplementary to Article 72), for paragraph (1)(b) substitute—
- “(b) the contents of—
- (i) the complaint, information, indictment or charge-sheet on which the person in question was convicted, or
- (ii) in the case of a conviction of an offence by a court in a member State (other than the United Kingdom), any document produced in relation to the proceedings for that offence which fulfils a purpose similar to any document or documents specified in paragraph (i).”.

#### Commencement Information

**I111** Sch. 17 para. 18 in force at 18.4.2011 for N.I. by S.R. 2011/182, art. 2(d)(ii)

#### Textual Amendments

**F35** Sch. 18 repealed (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 5 Pt. 2; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*Status: Point in time view as at 10/03/2022.*

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## SCHEDULE 19

Section 169

## EXPLOITATION PROCEEDS INVESTIGATIONS

- 1 Part 8 of the Proceeds of Crime Act 2002 (c. 29) (investigations) is amended as follows.

**Commencement Information**

**I112** Sch. 19 para. 1 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 2 In section 341 (investigations), after subsection (4) add—

“(5) For the purposes of this Part an exploitation proceeds investigation is an investigation for the purposes of Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc) into—

- (a) whether a person is a qualifying offender,
- (b) whether a person has obtained exploitation proceeds from a relevant offence,
- (c) the value of any benefits derived by a person from a relevant offence, or
- (d) the available amount in respect of a person.

Paragraphs (a) to (d) are to be construed in accordance with that Part of that Act.”

**Commencement Information**

**I113** Sch. 19 para. 2 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 3 In section 342 (offences of prejudicing investigation)—

- (a) in subsection (1), after “detained cash investigation” insert “, an exploitation proceeds investigation”, and
- (b) after subsection (3)(ba) insert—

“(bb) the disclosure is made in the exercise of a function under Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc) or in compliance with a requirement imposed under or by virtue of that Act,”.

**Commencement Information**

**I114** Sch. 19 para. 3 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 4 In section 343(3) (judges) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

**Commencement Information**

**I115** Sch. 19 para. 4 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 5 In section 344(b) (courts) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

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**Commencement Information**

**I116** Sch. 19 para. 5 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 6 In section 345(2) (production orders), in paragraph (a) after “confiscation investigation” insert “, an exploitation proceeds investigation”.

**Commencement Information**

**I117** Sch. 19 para. 6 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 7 In section 346 (requirements for making of production order)—
- (a) after subsection (2)(c) add—
- “(d) in the case of an exploitation proceeds investigation, the person the application for the order specifies as being subject to the investigation is within subsection (2A).”,
- and
- (b) after subsection (2) insert—

“(2A) A person is within this subsection if, for the purposes of Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc), exploitation proceeds have been obtained by the person from a relevant offence by reason of any benefit derived by the person.

This subsection is to be construed in accordance with that Part.”

**Commencement Information**

**I118** Sch. 19 para. 7 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 8 In section 350(5) (government departments), in paragraph (b) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

**Commencement Information**

**I119** Sch. 19 para. 8 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 9 In section 351(8) (supplementary) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

**Commencement Information**

**I120** Sch. 19 para. 9 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 10 In section 352 (search and seizure warrants)—
- (a) in subsection (2)(a), after “confiscation investigation” insert “, an exploitation proceeds investigation”, and
- (b) after subsection (5)(c) add—
- “(d) a member of SOCA's staff, if the warrant is sought for the purposes of an exploitation proceeds investigation.”

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#### Commencement Information

**I121** Sch. 19 para. 10 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 11 In section 353 (requirements where production order not available)—
- (a) after subsection (2)(c) insert—
    - “(d) in the case of an exploitation proceeds investigation, the person specified in the application for the warrant is within section 346(2A).”
  - (b) in subsection (5)(a), for “or (8)” substitute “, (8) or (8A) ”,
  - (c) after subsection (8) insert—
    - “(8A) In the case of an exploitation proceeds investigation, material falls within this subsection if it cannot be identified at the time of the application but it—
      - (a) relates to the person specified in the application, the question whether exploitation proceeds have been obtained from a relevant offence in relation to that person, any question as to the extent or whereabouts of any benefit as a result of which exploitation proceeds are obtained or any question about the person's available amount, and
      - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.
- This subsection is to be construed in accordance with Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc).”, and”
- (d) after subsection (10)(c) add—
    - “(d) a member of SOCA's staff, if the warrant is sought for the purposes of an exploitation proceeds investigation.”

#### Commencement Information

**I122** Sch. 19 para. 11 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 12 In section 356 (further provision: civil recovery), in subsection (1) after “civil recovery investigations” insert “ or exploitation proceeds investigations ”.

#### Commencement Information

**I123** Sch. 19 para. 12 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 13 In section 357 (disclosure orders)—
- (a) after subsection (3)(b) add “, or
    - “(c) a person specified in the application is subject to an exploitation proceeds investigation and the order is sought for the purposes of the investigation.”, and
  - (b) after subsection (7)(b) add “; and
    - “(c) in relation to an exploitation proceeds investigation, a member of SOCA's staff.”



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**Commencement Information**

**I124** Sch. 19 para. 13 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

14 In section 358(2) (requirements for making of disclosure order) after paragraph (b) add—

“(c) in the case of an exploitation proceeds investigation, the person specified in the application for the order is a person within section 346(2A).”

**Commencement Information**

**I125** Sch. 19 para. 14 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

15 In section 362(5) (supplementary) after “investigation” add “ or an exploitation proceeds investigation ”.

**Commencement Information**

**I126** Sch. 19 para. 15 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

16 In section 363(2) (customer information orders), in paragraph (a) after “investigation”, in first place it occurs, insert “ , an exploitation proceeds investigation ”.

**Commencement Information**

**I127** Sch. 19 para. 16 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

17 In section 370(2) (account monitoring orders), in paragraph (a) after “confiscation investigation” insert “ , an exploitation proceeds investigation ”.

**Commencement Information**

**I128** Sch. 19 para. 17 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

18 After section 378(6) (officers) insert—

“(6A) In relation to an exploitation proceeds investigation, a member of SOCA's staff is an appropriate officer.”

**Commencement Information**

**I129** Sch. 19 para. 18 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

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SCHEDULE 20

Section 175

AMENDMENTS OF THE DATA PROTECTION ACT 1998 (C. 29)

<sup>F36</sup>**PART 1**

DATA CONTROLLERS' REGISTRATION

**Textual Amendments**

**F36** Sch. 20 Pt. 1 repealed (25.5.2018) by Digital Economy Act 2017 (c. 30), ss. 111(9)(d), 118(6); S.I. 2018/624, reg. 2

- 1 .....
- 2 .....
- 3 .....

PROSPECTIVE

<sup>F36</sup>4 .....

**PART 2**

ASSESSMENT NOTICES

- 5 (1) Section 48 of that Act (rights of appeal) is amended as follows.
- (2) In subsection (1) after “enforcement notice” insert “, an assessment notice ”>.
- (3) In subsection (3)—
  - (a) after “enforcement notice” insert “, an assessment notice ”>, and
  - (b) after “40(8)” insert “, 41B(2) ”>.

**Commencement Information**

**I130** Sch. 20 para. 5 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

- 6 In section 67 of that Act (general provision about orders etc under the Act)—
  - (a) in subsection (4) insert at the appropriate place—
    - “section 41A(2)(c),” and
  - (b) in subsection (5)(a) insert at the appropriate place—
    - “section 41A(2)(b),”.

**Commencement Information**

**I131** Sch. 20 para. 6 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

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7 In section 70(1) of that Act (supplementary definitions) for the definition of “government department” substitute—

““government department” includes—

- (a) any part of the Scottish Administration;
- (b) a Northern Ireland department;
- (c) the Welsh Assembly Government;
- (d) any body or authority exercising statutory functions on behalf of the Crown.”

**Commencement Information**

**I132** Sch. 20 para. 7 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

**PART 3**

POWERS TO REQUIRE INFORMATION

8 (1) Section 43 of that Act (information notices) is amended as follows.

(2) In subsection (1) for “, within” to the end substitute “ to furnish the Commissioner with specified information relating to the request or to compliance with the principles. ”>

(3) After that subsection insert—

“(1A) In subsection (1) “specified information” means information—

- (a) specified, or described, in the information notice, or
- (b) falling within a category which is specified, or described, in the information notice.

(1B) The Commissioner may also specify in the information notice—

- (a) the form in which the information must be furnished;
- (b) the period within which, or the time and place at which, the information must be furnished.”

(4) In subsection (4) for “the time” to “expire” substitute “ a period specified in an information notice under subsection (1B)(b) must not end, and a time so specified must not fall, ”>.

**Commencement Information**

**I133** Sch. 20 para. 8 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

9 (1) Section 44 of that Act (special information notices) is amended as follows.

(2) in subsection (1) for “, within” to the end substitute “ to furnish the Commissioner with specified information for the purpose specified in subsection (2). ”>

(3) After subsection (1) insert—

“(1A) In subsection (1) “specified information” means information—

- (a) specified, or described, in the special information notice, or

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- (b) falling within a category which is specified, or described, in the special information notice.
- (1B) The Commissioner may also specify in the special information notice—
- (a) the form in which the information must be furnished;
  - (b) the period within which, or the time and place at which, the information must be furnished.”
- (4) In subsection (5) for “the time” to “expire” substitute “ a period specified in a special information notice under subsection (1B)(b) must not end, and a time so specified must not fall, ”.

#### Commencement Information

**I134** Sch. 20 para. 9 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

## PART 4

### RESTRICTION ON USE OF INFORMATION

- 10 (1) Section 43 of that Act (information notices) is amended as follows.
- (2) In subsection (8), for “other than an offence under this Act,” substitute “ , other than an offence under this Act or an offence within subsection (8A), ”.
- (3) After that subsection insert—
- “(8A) The offences mentioned in subsection (8) are—
- (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),
  - (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath), or
  - (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).
- (8B) Any relevant statement provided by a person in response to a requirement under this section may not be used in evidence against that person on a prosecution for any offence under this Act (other than an offence under section 47) unless in the proceedings—
- (a) in giving evidence the person provides information inconsistent with it, and
  - (b) evidence relating to it is adduced, or a question relating to it is asked, by that person or on that person's behalf.
- (8C) In subsection (8B) “relevant statement”, in relation to a requirement under this section, means—
- (a) an oral statement, or
  - (b) a written statement made for the purposes of the requirement.”

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**Commencement Information**

**I135** Sch. 20 para. 10 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

- 11 (1) Section 44 of that Act (special information notices) is amended as follows.
- (2) In subsection (9), for “other than an offence under this Act,” substitute “, other than an offence under this Act or an offence within subsection (9A), ”.
- (3) After subsection (9) of that section insert—
- (9A) “(9A) The offences mentioned in subsection (9) are—
- (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),
  - (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath), or
  - (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).
- (9B) Any relevant statement provided by a person in response to a requirement under this section may not be used in evidence against that person on a prosecution for any offence under this Act (other than an offence under section 47) unless in the proceedings—
- (a) in giving evidence the person provides information inconsistent with it, and
  - (b) evidence relating to it is adduced, or a question relating to it is asked, by that person or on that person's behalf.
- (9C) In subsection (9B) “relevant statement”, in relation to a requirement under this section, means—
- (a) an oral statement, or
  - (b) a written statement made for the purposes of the requirement.”

**Commencement Information**

**I136** Sch. 20 para. 11 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

- 12 (1) Paragraph 11 of Schedule 7 to that Act (miscellaneous exemptions: self incrimination) is amended as follows.
- (2) In sub-paragraph (1), for “other than an offence under this Act,” substitute “, other than an offence under this Act or an offence within sub-paragraph (1A), ”.
- (3) After that sub-paragraph insert—
- “(1A) The offences mentioned in sub-paragraph (1) are—
- (a) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),
  - (b) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath), or

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- (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).”

**Commencement Information**

**I137** Sch. 20 para. 12 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

**PART 5**

MONETARY PENALTIES: RESTRICTION ON MATTERS TO BE TAKEN INTO ACCOUNT

- 13 In section 55A of that Act (power of Commissioner to impose monetary penalties), after subsection (3) insert—
- “(3A) The Commissioner may not be satisfied as mentioned in subsection (1) by virtue of any matter which comes to the Commissioner's attention as a result of anything done in pursuance of—
- (a) an assessment notice;
  - (b) an assessment under section 51(7).”

**Commencement Information**

**I138** Sch. 20 para. 13 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

**PART 6**

WARRANT FOR ENTRY AND INSPECTION

- 14 (1) Schedule 9 to that Act (powers of entry and inspection) is amended as follows.
- (2) After sub-paragraph (1) of paragraph 1 insert—
- “(1A) Sub-paragraph (1B) applies if a circuit judge or a District Judge (Magistrates' Courts) is satisfied by information on oath supplied by the Commissioner that a data controller has failed to comply with a requirement imposed by an assessment notice.
- (1B) The judge may, for the purpose of enabling the Commissioner to determine whether the data controller has complied or is complying with the data protection principles, grant a warrant to the Commissioner in relation to any premises that were specified in the assessment notice; but this is subject to sub-paragraph (2) and paragraph 2.”
- (3) In sub-paragraph (3) of that paragraph—
- (a) for “sub-paragraph (1)” substitute “ this Schedule ”, and
  - (b) for the words from “to enter” to the end substitute “—
    - (a) to enter the premises;
    - (b) to search the premises;

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- (c) to inspect, examine, operate and test any equipment found on the premises which is used or intended to be used for the processing of personal data;
  - (d) to inspect and seize any documents or other material found on the premises which—
    - (i) in the case of a warrant issued under sub-paragraph (1), may be such evidence as is mentioned in that paragraph;
    - (ii) in the case of a warrant issued under sub-paragraph (1B), may enable the Commissioner to determine whether the data controller has complied or is complying with the data protection principles;
  - (e) to require any person on the premises to provide an explanation of any document or other material found on the premises;
  - (f) to require any person on the premises to provide such other information as may reasonably be required for the purpose of determining whether the data controller has contravened, or is contravening, the data protection principles.”
- (4) After sub-paragraph (1) of paragraph 2 insert—
- “(1A) In determining whether the Commissioner has given an occupier the seven days' notice referred to in sub-paragraph (1)(a) any assessment notice served on the occupier is to be disregarded.”
- (5) In paragraph 5 for “evidence in question would not be found” substitute “ object of the warrant would be defeated ”.
- (6) In paragraph 12, at the end of paragraph (b) insert—
- “(c) makes a statement in response to a requirement under paragraph (e) or (f) of paragraph 1(3) which that person knows to be false in a material respect, or
  - (d) recklessly makes a statement in response to such a requirement which is false in a material respect,”.
- (7) After paragraph 15 add—

*“Self-incrimination*

- 16 An explanation given, or information provided, by a person in response to a requirement under paragraph (e) or (f) of paragraph 1(3) may only be used in evidence against that person—
- (a) on a prosecution for an offence under—
    - (i) paragraph 12,
    - (ii) section 5 of the Perjury Act 1911 (false statements made otherwise than on oath),
    - (iii) section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath), or

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- (iv) Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements), or
- (b) on a prosecution for any other offence where—
  - (i) in giving evidence that person makes a statement inconsistent with that explanation or information, and
  - (ii) evidence relating to that explanation or information is adduced, or a question relating to it is asked, by that person or on that person's behalf.”

**Commencement Information**

**I139** Sch. 20 para. 14 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 19

SCHEDULE 21

Section 177

MINOR AND CONSEQUENTIAL AMENDMENTS

**PART 1**

CORONERS ETC

*Cremation Act 1902 (c. 8)*

- 1 In section 10 of the Cremation Act 1902 (saving for coroners), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I140** Sch. 21 para. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(i)

*Births and Deaths Registration Act 1926 (c. 48)*

- 2 The Births and Deaths Registration Act 1926 is amended as follows.

**Commencement Information**

**I141** Sch. 21 para. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(i)

- 3 In section 4 (prohibition of removal of body out of England without notice), for “the coroner within whose jurisdiction the body is lying” substitute “ the senior coroner in whose area the body is situated, ”.

**Commencement Information**

**I142** Sch. 21 para. 3 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(i)



*Status: Point in time view as at 10/03/2022.*

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- 4 In section 5 (burial of still-born children), for the words after “delivered to him” substitute “either—
- (a) a certificate given by the registrar under section 11(2) or (3) of the Births and Deaths Registration Act 1953, or
  - (b) in a case in relation to which a senior coroner has made enquiries under section 1(7) of the Coroners and Justice Act 2009 (or has purported to conduct an investigation under Part 1 of that Act), an order of the coroner.”

**Commencement Information**

**I143** Sch. 21 para. 4 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(i)

*Visiting Forces Act 1952 (c. 67)*

- 5 (1) Section 7 of the Visiting Forces Act 1952 (provisions as to coroners' inquests etc) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Subsections (1A) and (1B) of this section apply if a coroner who has jurisdiction to conduct an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death is satisfied that the deceased person, at the time of the death, had a relevant association with a visiting force.
- (1A) If no investigation into the person's death has begun, the coroner shall not begin an investigation unless directed to do so by the Lord Chancellor.
- (1B) If an investigation into the person's death has begun but has not been completed, the coroner shall suspend the investigation unless directed not to do so by the Lord Chancellor.”
- (3) In subsection (2)—
- (a) for the words from “the last” to “a death” substitute “ subsections (1) to (1B) of this section, if in the course of an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death ”,
  - (b) for “Secretary of State” substitute “ Lord Chancellor ”,
  - (c) for the words from “adjourn the inquest” to “discharge the jury,” substitute “ suspend the investigation ”, and
  - (d) for “at the inquest” substitute “ in the course of the investigation ”.
- (4) After subsection (2) insert—
- “(2A) A coroner who suspends an investigation under this section shall—
- (a) adjourn any inquest being held as part of the investigation, and
  - (b) discharge any jury that has been summoned.
- (2B) The suspension of an investigation under this section does not prevent its suspension under Schedule 1 to the Coroners and Justice Act 2009; and *vice versa*.”
- (5) For subsection (3) substitute—

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- “(3) Where an investigation is suspended under this section, the coroner shall not resume it except on the direction of the Lord Chancellor.
- (3A) Where the investigation is resumed, the coroner must resume any inquest that was adjourned under subsection (2A).
- (3B) A resumed inquest may be held with a jury if the coroner thinks that there is sufficient reason for it to be held with one.”
- (6) In subsection (4), for the words from “the Secretary of State” to “to be held” substitute “ the Lord Chancellor under subsection (1A) or (3) of this section, an investigation is required to be conducted ”.
- (7) In subsection (5), for “section two of the said Act of 1926” substitute “ section 24 of the Births and Deaths Registration Act 1953 ”.
- (8) For subsection (7) substitute—
- “(7) In the application of this section to Northern Ireland—
- (a) in subsection (1), for “a coroner who has jurisdiction to conduct an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death” there is substituted “ a coroner who has jurisdiction under the Coroners Act (Northern Ireland) 1959 to hold an inquest into a person's death ”;
  - (b) in subsection (1A), for “no investigation” there is substituted “ no inquest ” and for “an investigation” there is substituted “ an inquest ”;
  - (c) in subsection (1B), for “an investigation” there is substituted “ an inquest ”, and for “suspend the investigation” there is substituted “ adjourn the inquest ”;
  - (d) in subsection (2)—
    - (i) for “in the course of an investigation under Part 1 of the Coroners and Justice Act 2009” there is substituted “ on an inquest ”;
    - (ii) for “suspend the investigation” there is substituted “ adjourn the inquest ”;
    - (iii) for “in the course of the investigation” there is substituted “ at the inquest ”;
  - (e) in subsection (2A), for the words from “suspends an investigation” to the end there is substituted “ adjourns an inquest under this section shall discharge any jury that has been summoned ”;
  - (f) in subsection (3), for “investigation is suspended” there is substituted “ inquest is adjourned ”;
  - (g) subsection (3A) is omitted;
  - (h) in subsection (3B), for “A resumed inquest” there is substituted “ An inquest resumed under this section ”;
  - (i) subsections (4) and (5) are omitted.”

#### Commencement Information

I144 Sch. 21 para. 5 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(i)

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### *Births and Deaths Registration Act 1953 (c. 20)*

6 The Births and Deaths Registration Act 1953 is amended as follows.

#### **Commencement Information**

**I145** Sch. 21 para. 6 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(i)

7 In section 2 (information concerning birth to be given to registrar within 42 days), in paragraph (ii) of the proviso, for “an inquest is held at which” substitute “ an investigation is conducted under Part 1 of the 2009 Act, other than one that is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination), in the course of which ”.

#### **Commencement Information**

**I146** Sch. 21 para. 7 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(i)

8 (1) Section 16 (information concerning death in a house) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a), for “any relative of the deceased person” substitute “ any person who is a relative or the partner of the deceased and who was ”,
- (b) in paragraph (b), for “any other relative of the deceased residing or being” substitute “ any person who is a relative or the partner of the deceased and who is or resides ”, and
- (c) after paragraph (b) insert—  
“(ba) any personal representative of the deceased;”.

(3) In subsection (3)—

- (a) in paragraph (a), for “the nearest relative such” substitute “ each such person ”,
- (b) in paragraph (b)—
  - (i) for “no such relative” substitute “ no such person ”, and
  - (ii) for “each such relative” substitute “ each such person ”,
- (c) in paragraph (c)—
  - (i) for “if there are no such relatives” substitute “ if neither of paragraphs (a) and (b) above applies ”, and
  - (ii) for “paragraph (c) or (d)” substitute “ paragraph (ba), (c) or (d) ”,
- (d) in paragraph (d), for “if there are no such relatives or persons as aforesaid” substitute “ if none of paragraphs (a) to (c) above applies ”, and
- (e) for “five days from the date of the death” substitute “ five days from the relevant date ”.

(4) In that subsection, for paragraph (ii) of the proviso substitute—

“(ii) this subsection shall not have effect if an investigation is conducted under Part 1 of the 2009 Act into the death of the deceased person and has not been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination).”

(5) After that subsection insert—

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- “(4) In this section, the expression “the relevant date” means—
- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or
  - (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act, the date of the discontinuance.”

#### Commencement Information

**I147** Sch. 21 para. 8(4) in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(ii)

- 9 (1) Section 17 (information concerning other deaths) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), for “any relative of the deceased who” substitute “ any person who is a relative or the partner of the deceased and who ”, and
  - (b) after that paragraph insert—
    - “(aa) any personal representative of the deceased;”.
- (3) In subsection (3)—
- (a) in paragraph (a), for “relative” substitute “ person ”,
  - (b) in paragraph (b), for “relatives” substitute “ persons ”,
  - (c) for “five days from the date of the death or of the finding of the body” substitute “ five days from the relevant date ”, and
  - (d) for paragraph (ii) of the proviso substitute—
    - “(ii) this subsection shall not have effect if an investigation is conducted under Part 1 of the 2009 Act into the death of the deceased person and has not been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination).”
- (4) After that subsection insert—
- “(4) In this section, the expression “the relevant date” means—
- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or
  - (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act, the date of the discontinuance.”

#### Commencement Information

**I148** Sch. 21 para. 9(3)(d) in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(iii)

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PROSPECTIVE

- 10 (1) Section 18 (notice preliminary to information of death) is amended as follows.
- (2) For the words from the beginning to “that person's death” substitute “ If, before the expiration of five days from the relevant date, a qualified informant of a person's death ”.
- (3) For the words from “accompanied by a notice” to “the cause of death,” substitute “ accompanied by a confirmed attending practitioner's certificate, or a medical examiner's certificate issued in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death), ”.
- (4) For “from the date aforesaid” substitute “ from the relevant date ”.
- (5) At the end of that section (which becomes subsection (1)) insert—
- “ (2) In this section, the expression “the relevant date” means—
- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death); or
- (b) where an investigation under Part 1 of that Act into the death of the deceased person is discontinued under section 4 of that Act (cause of death [<sup>F37</sup>becoming clear before inquest]), the date of the discontinuance.”

**Textual Amendments**

**F37** Words in Sch. 21 para. 10(5) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\), ss. 39\(6\)\(a\), 51\(3\)](#)

- 11 (1) In section 19 (registrar's power to require information concerning death), subsection (1) is amended as follows.
- (2) For the words from the beginning to “the registrar may” substitute—
- “(A1) This section applies where, after the expiration of the relevant period from—
- (a) the date on which the registrar is notified in accordance with regulations under section 20(1)(f)(i) or (h)(i) of the 2009 Act (confirmation or certification by medical examiner of cause of death), or
- (b) where an investigation under Part 1 of that Act into a person's death is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination), the date of the discontinuance,
- the death of that person has, owing to the default of the persons required to give information concerning it, not been registered.
- (1) The registrar may”.
- (3) For paragraph (ii) of the proviso substitute—

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“(ii) an investigation under Part 1 of the 2009 Act is conducted into the death of the deceased person and has not been discontinued under section 4 of that Act”.

#### Commencement Information

**I149** Sch. 21 para. 11(3) in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(iv)

VALID FROM 16/04/2024

12 In section 20 (registration of death free of charge) omit the words from “, at any time” to “of any person,”.

VALID FROM 16/04/2024

13 Omit section 21 (registration of death after twelve months).

VALID FROM 16/04/2024

14 For section 22 substitute—

#### “22 Registration of cause of death on receipt of medical certificate

(1) This section applies where—

- (a) the registrar is given a confirmed attending practitioner's certificate, or a medical examiner's certificate, in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death); and
- (b) no investigation into the death under Part 1 of that Act is conducted.

(2) The registrar shall enter in the register the cause of death as stated in the certificate, together with—

- (a) the name of the medical examiner and such information about the examiner as may be prescribed; and
- (b) where an attending practitioner's certificate was prepared, the name of the practitioner by whom it was prepared and such information about that practitioner as may be prescribed.”

15 (1) Section 23 (furnishing of information by coroner) is amended as follows.

(2) For subsection (2) substitute—

“(2) Where there has been an investigation under Part 1 of the 2009 Act into a death and the senior coroner sends to the registrar a certificate giving information concerning the death, including the particulars found under section 10(1)(b) of that Act, the registrar shall in the prescribed form and manner register the death and those particulars; and, if the death has been

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previously registered, those particulars shall be entered in the prescribed manner without any alteration of the original entry.

(2ZA) Where under section 40(8)(a)(i) of the 2009 Act the Chief Coroner amends a finding under section 10(1)(b) of that Act and sends to the registrar a certificate setting out the amended particulars, the registrar shall in the prescribed form and manner register the amended particulars without any alteration of the original entry.”

(3) For subsection (2A) substitute—

“(2A) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under Schedule 1 to that Act, and
  - (b) the senior coroner sends to the registrar a certificate stating the particulars required by this Act to be registered concerning the death (so far as they have been ascertained at the date of the certificate),
- the registrar shall in the prescribed form and manner register the death and those particulars.

(2B) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under paragraph 2 of Schedule 1 to that Act (suspension where certain criminal proceedings brought), and
- (b) the senior coroner sends to the registrar a certificate—
  - (i) stating the result of the proceedings in respect of the charge or charges by reason of which the investigation was suspended, or of any proceedings that had to be concluded before the investigation could be resumed, or
  - (ii) setting out any changes or additions to the particulars mentioned in subsection (2A) of this section,

the registrar shall in the prescribed form and manner register the result of those proceedings, or the changes or additions, without any alteration of the original entry.

(2C) Where—

- (a) an investigation under Part 1 of the 2009 Act into a death is suspended under paragraph 3 of Schedule 1 to that Act (suspension pending inquiry), and
- (b) the senior coroner sends to the registrar a certificate—
  - (i) stating the findings of the inquiry by reason of which the investigation was suspended,
  - (ii) stating the result of any proceedings that had to be concluded before the investigation could be resumed, or
  - (iii) setting out any changes or additions to the particulars mentioned in subsection (2A) of this section,

the registrar shall in the prescribed form and manner register the findings of that inquiry, or the result of those proceedings, or the changes or additions, without any alteration of the original entry.”

(4) In subsection (3), for the words from the beginning to “stating” substitute “ Where an investigation is discontinued under section 4 of the 2009 Act by reason of an

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examination under section 14 of that Act (post-mortem examinations) and the senior coroner sends to the registrar a certificate stating ”.

#### Commencement Information

**I150** Sch. 21 para. 15(1)(3)(4) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(o\)\(v\)](#)

**I151** Sch. 21 para. 15(2) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vi\)](#)

VALID FROM 16/04/2024

- 16 (1) Section 23A (giving of information concerning a death to a person other than the registrar) is amended as follows.
- (2) In subsection (2), for paragraphs (a) and (b) substitute—
- “(a) if <sup>F38</sup>—
- (i) there has been no investigation under Part 1 of the 2009 Act into the death, or
- (ii) such an investigation has been discontinued under section 4 of the 2009 Act (cause of death becoming clear before inquest) other than as mentioned in paragraph (b),]
- a copy of a confirmed attending practitioner's certificate, or of a medical examiner's certificate, given to the registrar in accordance with regulations under section 20 of the 2009 Act (medical certificate of cause of death); and
- (b) if an investigation into the death has been discontinued under section 4 of that Act by reason of an examination under section 14 of that Act (post-mortem examinations), a copy of a certificate from the senior coroner stating the cause of death as disclosed by the report of the person making the examination;”.
- (3) In subsection (5), after “a relative” insert “ or the partner ”.
- (4) Omit subsection (6).

#### Textual Amendments

**F38** Words in [Sch. 21 para. 16\(2\)](#) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 39\(6\)\(c\)](#), 51(3)

VALID FROM 16/04/2024

- 17 In section 24 (certificates as to registration of death), in subsection (1), for “has received a certificate under section twenty-two of this Act” substitute “ has been given a confirmed attending practitioner's certificate or a medical examiner's certificate in accordance with regulations under section 20 of the 2009 Act ”.

- 18 (1) Section 29 (correction of error in registers) is amended as follows.
- (2) After subsection (3) insert—



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“(3A) In the case of a death in relation to which the registrar has been given a confirmed attending practitioner's certificate, or a medical examiner's certificate, in accordance with regulations under section 20 of the 2009 Act—

- (a) no correction under subsection (3) of this section relating to the cause of death may be made without the approval of the medical examiner concerned;
- (b) any error of fact or substance relating to the cause of death in a register of deaths may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register on being notified by the medical examiner of the nature of the error and the true facts of the case.”

“(3B) In the case of a death in relation to which an investigation under Part 1 of the 2009 Act has been discontinued under section 4 of that Act (cause of death revealed by post-mortem examination)—

- (a) no correction under subsection (3) of this section relating to the cause of death may be made without the approval of the senior coroner concerned;
- (b) any error of fact or substance relating to the cause of death in a register of deaths may be corrected by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register on being notified by the senior coroner of the nature of the error and the true facts of the case.”

(3) In paragraph (a) of subsection (4), for “touching which he has held an inquest” substitute “into which he has conducted an investigation under Part 1 of the 2009 Act (other than one that has been discontinued under section 4 of that Act)”.

(4) Omit paragraph (b) of that subsection and the word “or” preceding it.

#### Commencement Information

**I152** Sch. 21 para. 18(1) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vii\)\(viii\)](#)

**I153** Sch. 21 para. 18(2) in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(vii\)](#)

**I154** Sch. 21 para. 18(3)(4) in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(o\)\(viii\)](#)

VALID FROM 16/04/2024

19 After section 33 insert—

#### “33A Short certificate of death

(1) Any person shall—

- (a) on furnishing the prescribed particulars, and
- (b) on payment of such fee as may be specified in regulations made by the Minister by statutory instrument,

be entitled to obtain from the Registrar General, a superintendent registrar or a registrar a short certificate of the death of any person.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

- (2) Any such certificate shall be in the prescribed form and shall be compiled in the prescribed manner from the records and registers in the custody of the Registrar General, or from the registers in the custody of the superintendent registrar or registrar, as the case may be, and shall contain such particulars as may be prescribed.
- (3) A statutory instrument containing regulations under subsection (1)(b) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

PROSPECTIVE

20 In section 34 (entry in register as evidence of birth or death) omit subsection (4).

21 (1) In section 41 (interpretation) insert the following definitions at the appropriate places—

““the 2009 Act” means the Coroners and Justice Act 2009;”;

“ “attending practitioner's certificate” has the meaning given by section 20(1)(a) of the 2009 Act;”;

“ “confirmed attending practitioner's certificate” means an attending practitioner's certificate in respect of which the cause of death has been confirmed by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the 2009 Act;”;

“ “medical examiner” means a person appointed under section 19 of the 2009 Act;”;

“ “medical examiner's certificate” has the meaning given by section 20(1)(h) of the 2009 Act;”;

“ “partner” (except in the expression “civil partner”) is to be read in accordance with subsection (2) of this section.”

(2) At the end of that section (which becomes subsection (1)) insert—

“(2) A person is the partner of a deceased person if the two of them (whether of different sexes or the same sex) were living as partners in an enduring relationship at the time of the deceased person's death.

(3) A reference in this Act to an investigation under Part 1 of the 2009 Act being conducted includes a reference to the case where such an investigation has begun and—

- (a) has not yet finished,
- (b) is suspended under Schedule 1 to that Act (whether temporarily or otherwise), or
- (c) is discontinued under section 4 of that Act.”

**Commencement Information**

**I155** Sch. 21 para. 21(1) in force at 25.7.2013 for specified purposes by S.I. 2013/1869, art. 2(o)(ix)

**I156** Sch. 21 para. 21(2) in force at 25.7.2013 for specified purposes by S.I. 2013/1869, art. 2(o)(x)

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

*Courts Act 1971 (c. 23)*

- 22 In Schedule 2 to the Courts Act 1971 (certain office-holders eligible for appointment as circuit judges), in Part 1A, for “Coroner appointed under section 2 of the Coroners Act 1988” substitute “ Senior coroner appointed under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I157** Sch. 21 para. 22 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xi)

*Pensions (Increase) Act 1971 (c. 56)*

- 23 In Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), in paragraph 61, after “the Coroners Act 1988” insert “ or by virtue of paragraph 17 of Schedule 3 to the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I158** Sch. 21 para. 23 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xi)

*Juries Act 1974 (c. 23)*

- 24 In section 19 of the Juries Act 1974 (payment for jury service), in subsections (2) and (5), for “the Coroners Act 1988” substitute “ Schedule 7 to the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I159** Sch. 21 para. 24 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xi)

*Health and Safety at Work etc. Act 1974 (c. 37)*

- 25 (1) In section 34 of the Health and Safety at Work etc. Act 1974 (extension of time for bringing summary proceedings), subsection (1) is amended as follows.
- (2) In paragraph (c), for “a coroner's inquest is held touching” substitute “ an investigation under Part 1 of the Coroners and Justice Act 2009 is conducted into ”.
- (3) For the words from “from the report” to “proceedings at the inquest or” substitute “ from the report or investigation or, in a case falling within paragraph (d) above, from the proceedings at the ”.
- (4) For “report, inquest or inquiry” substitute “ report, investigation or inquiry ”.
- (5) For “conclusion of the inquest” substitute “ conclusion of the investigation ”.

**Commencement Information**

**I160** Sch. 21 para. 25 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xi)

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

*House of Commons Disqualification Act 1975 (c. 24)*

- 26 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert the following entries at the appropriate place—

“Senior coroner, area coroner or assistant coroner appointed under Part 1 of the Coroners and Justice Act 2009.”

“Coroner for Treasure.”

“Deputy Chief Coroner appointed by the Lord Chancellor under that Part who is not also a senior coroner.”

**Commencement Information**

**I161** Sch. 21 para. 26 in force at 25.7.2013 for specified purposes by S.I. 2013/1869, art. 2(o)(xii)

PROSPECTIVE

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 27 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) insert the following entries at the appropriate place—

“Senior coroner, area coroner or assistant coroner appointed under Part 1 of the Coroners and Justice Act 2009.”

“Coroner for Treasure.”

“Deputy Chief Coroner appointed by the Lord Chancellor under that Part who is not also a senior coroner.”

*Magistrates' Courts Act 1980 (c. 43)*

- 28 In Schedule 6A to the Magistrates' Courts Act 1980 (fines that may be altered under section 143)—

(a) omit the entry relating to the Coroners Act 1988, and

(b) after the entry relating to the Powers of Criminal Courts (Sentencing) Act 2000 insert—

“CORONERS AND JUSTICE ACT 2009

In Schedule 6, paragraphs 5 (refusal to serve as juror etc) £1000”  
and 6 (refusal to give evidence etc)

**Commencement Information**

**I162** Sch. 21 para. 28 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xiii)

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

PROSPECTIVE

*Access to Health Records Act 1990 (c. 23)*

- 29 (1) Section 3 of the Access to Health Records Act 1990 (right of access to health records) is amended as follows.
- (2) In subsection (1) (persons entitled to access), at the end insert—
- “(g) where the patient has died, a medical examiner exercising functions by virtue of section 20 of the Coroners and Justice Act 2009 in relation to the death.”
- <sup>F39</sup>(3) .....

**Textual Amendments**

**F39** Sch. 21 para. 29(3) omitted (25.5.2018) by virtue of Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 161 (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

*Courts and Legal Services Act 1990 (c. 41)*

- 30 In Schedule 11 to the Courts and Legal Services Act 1990 (judges etc barred from legal practice), for “Coroner appointed under section 2 of the Coroners Act 1988” substitute “Senior coroner appointed under paragraph 1 of Schedule 3 to the Coroners and Justice Act 2009”.

**Commencement Information**

**I163** Sch. 21 para. 30 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xiv)

PROSPECTIVE

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 31 In Part 2 of Schedule 1 to the Judicial Pensions and Retirement Act 1993 (other offices that may be qualifying judicial offices), after the entry relating to the Adjudicator to Her Majesty's Land Registry there is inserted— “Coroner for Treasure. Deputy Chief Coroner appointed by the Lord Chancellor who is not also a senior coroner”

*Merchant Shipping Act 1995 (c. 21)*

- 32 The Merchant Shipping Act 1995 is amended as follows.

**Commencement Information**

**I164** Sch. 21 para. 32 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xv)

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

- 33 In section 108 (returns of births and deaths in ships etc), in subsection (6)(b), for “is satisfied that an inquest is unnecessary” substitute “ discontinues an investigation under Part 1 of the Coroners and Justice Act 2009 or, as the case may be, is satisfied that an inquest under the Coroners Act (Northern Ireland) 1959 is unnecessary ”.

**Commencement Information**

**I165** Sch. 21 para. 33 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xv)

- 34 In section 271 (inquiries into deaths of crew members and others), in subsection (6), for “where” to the end substitute “where—
- (a) in England and Wales, an investigation is to be conducted under Part 1 of the Coroners and Justice Act 2009;
  - (b) in Northern Ireland, an inquest is to be held under the Coroners Act (Northern Ireland) 1959;
  - (c) in Scotland, an enquiry is to be held under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.”

**Commencement Information**

**I166** Sch. 21 para. 34 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xv)

- 35 (1) Section 273 (transmission of particulars of certain deaths on ships) is amended as follows.
- (2) In paragraph (a), for “or a post mortem examination” to the end substitute “ or subsection (2) below applies; and ”.
- (3) At the end of that section (which becomes subsection (1)) insert—
- “(2) This subsection applies where—
- (a) in England and Wales, an investigation under Part 1 of the Coroners and Justice Act 2009 into a person's death is discontinued under section 4 of that Act (cause of death revealed by post-mortem examination); or
  - (b) in Northern Ireland, a preliminary investigation is made of a dead body as a result of which the coroner is satisfied that an inquest is unnecessary.”

**Commencement Information**

**I167** Sch. 21 para. 35 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xv)

*Employment Rights Act 1996 (c. 18)*

- 36 (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 43M (jury service), in subsection (1)(a), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.
- (3) In section 98B (jury service), in subsection (1)(a), for “the Coroners Act 1988” substitute “ Part 1 of the Coroners and Justice Act 2009 ”.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

### Commencement Information

**1168** Sch. 21 para. 36 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xv)

PROSPECTIVE

### *Treasure Act 1996 (c. 24)*

37 The Treasure Act 1996 is amended as follows.

38 For section 7 (jurisdiction of coroners) substitute—

#### **“7 Jurisdiction of coroners**

(1) As regards Northern Ireland, the jurisdiction of coroners which is referred to in section 33 of the Coroners Act (Northern Ireland) 1959 (treasure) is exercisable in relation to anything that is treasure for the purposes of this Act.

(2) That jurisdiction is not exercisable for the purposes of the law relating to treasure trove in relation to anything found after the commencement of section 4.

(3) The Act of 1959 has effect subject to this section.

(4) An inquest held by virtue of subsection (1) is to be held without a jury, unless the coroner orders otherwise.

(5) As regards England and Wales, see Chapter 4 of Part 1 of the Coroners and Justice Act 2009 (which confers jurisdiction on the Coroner for Treasure in relation to an object that is or may be treasure, or treasure trove found before the commencement of section 4).”

39 (1) Section 8 (duty of finder to notify coroner) is amended as follows.

(2) In subsection (1), for “coroner for the district in which the object was found” substitute “Coroner for Treasure”.

(3) In subsection (4), for “coroner” substitute “Coroner for Treasure”.

(4) For subsection (5) substitute—

“(5) If the office of Coroner for Treasure is vacant, notification under subsection (1) must be given to an Assistant Coroner for Treasure.

(6) This section has effect subject to section 8B.”

(5) After that subsection insert—

(7) “(7) In its application to Northern Ireland this section has effect as if—

(a) in subsection (1), for “Coroner for Treasure” there were substituted “coroner for the district in which the object was found”;

(b) in subsection (4), for “Coroner for Treasure” there were substituted “coroner”; and

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- (c) in subsection (5), for the words from “Coroner for Treasure” to the end there were substituted “ coroner for a district is vacant, the person acting as coroner for that district is the coroner for the purposes of subsection (1) ”.”

40 After section 8A (inserted by section 30 of this Act) insert—

**“8B Notice under section 8 or 8A to designated officer**

- (1) A requirement under section 8 or 8A to give a notification to the Coroner for Treasure (or an Assistant Coroner for Treasure) may, if the relevant place falls within an area for which there is a designated officer, be complied with by giving the notification to that officer.
- (2) A designated officer must notify the Coroner for Treasure of all notifications given under subsection (1).
- (3) If the office of Coroner for Treasure is vacant, notification under subsection (2) must be given to an Assistant Coroner for Treasure.
- (4) In this section—  
“designated officer” means an officer designated by an order made by statutory instrument by the Secretary of State;  
“the relevant place” means—  
(a) in relation to a requirement under section 8, the place where the object in question was found;  
(b) in relation to a requirement under section 8A, the place where the treasure in question is located.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In its application to Northern Ireland this section has effect as if—  
(a) in subsection (1), for “the Coroner for Treasure (or an Assistant Coroner for Treasure)” there were substituted “ a coroner ”;  
(b) in subsection (2), for “Coroner for Treasure” there were substituted “ coroner for the district in which the relevant place falls ”;  
(c) in subsection (3), for the words from “Coroner for Treasure” to “Assistant Coroner for Treasure” there were substituted “ coroner for a district is vacant, the person acting as coroner for that district is the coroner for the purposes of subsection (2) ”.

**8C Offences under section 8 or 8A: period for bringing proceedings**

- (1) Proceedings for an offence under section 8 or 8A may be brought within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge; but no such proceedings may be brought by virtue of this subsection more than three years after the commission of the offence.
- (2) For the purposes of subsection (1)—  
(a) a certificate signed by or on behalf of the prosecutor and stating the date on which the evidence referred to in that subsection came



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to the prosecutor's knowledge shall be conclusive evidence to that effect; and

- (b) a certificate to that effect and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

41 For section 9 substitute—

### “9 Procedure for investigations: England and Wales

(1) Before conducting an investigation concerning an object, the Coroner for Treasure must—

- (a) notify the appropriate national museum;
- (b) take reasonable steps to notify—
- (i) any person who the coroner thinks may have found the object; and
- (ii) any person who, at the time the object was found, occupied land that the coroner thinks may be where it was found.

(2) During an investigation the Coroner for Treasure must take reasonable steps to notify any person within subsection (1)(b) who has not already been notified.

(3) Before or during an investigation, the Coroner for Treasure must take reasonable steps—

- (a) to obtain the names and addresses of any other interested persons; and
- (b) to notify any interested person whose name and address he obtains.

(4) The Coroner for Treasure must take reasonable steps to give any interested person an opportunity to examine witnesses at any inquest held as part of an investigation.

(5) In this section—

“the appropriate national museum” means—

- (a) the British Museum, if the object in question was found or is believed to have been found in England;
- (b) the National Museum of Wales, if it was found or is believed to have been found in Wales;

“interested person” has the meaning given by section 47(6) of the Coroners and Justice Act 2009;

“investigation” means an investigation under section 26 of that Act.

(6) This section extends only to England and Wales.

### 9A Procedure for inquests: Northern Ireland

(1) Before conducting an inquest concerning an object, a coroner must—

- (a) notify the Department of the Environment for Northern Ireland;
- (b) take reasonable steps to notify—
- (i) any person who the coroner thinks may have found the object; and

*Status: Point in time view as at 10/03/2022.*

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(ii) any person who, at the time the object was found, occupied land that the coroner thinks may be where it was found.

(2) During the inquest the coroner must take reasonable steps to notify any person within subsection (1)(b) who has not already been notified.

(3) Before or during the inquest, the coroner must take reasonable steps—  
(a) to obtain the names and addresses of any other interested persons;  
and  
(b) to notify any interested person whose name and address he obtains.

(4) The coroner must take reasonable steps to give any interested person an opportunity to examine witnesses at the inquest.

(5) In this section—  
“inquest” means an inquest held by virtue of section 7(1);  
“interested person” means—  
(a) the Department of the Environment for Northern Ireland;  
(b) the finder of the object in question or any person otherwise involved in the find;  
(c) the occupier, at the time the object was found, of the land where it was found or is believed to have been found;  
(d) a person who had an interest in that land at that time or who has had such an interest since;  
(e) any other person with a sufficient interest.

(6) This section extends only to Northern Ireland.”

42

Omit section 13.

PROSPECTIVE

*Northern Ireland (Location of Victims' Remains) Act 1999 (c. 7)*

43

In section 4 of the Northern Ireland (Location of Victims' Remains) Act 1999 (restrictions on forensic testing), in subsection (2), for “for the purposes of an inquest, the identity” substitute “for the purposes of—

- (a) an inquest under the Coroners Act (Northern Ireland) 1959, or  
(b) an investigation under Part 1 of the Coroners and Justice Act 2009,

the identity”.

*Freedom of Information Act 2000 (c. 36)*

44

In section 32 of the Freedom of Information Act 2000 (court records etc), in subsection (4)(b), for “any inquest or” substitute “ any investigation under Part 1 of the Coroners and Justice Act 2009, any inquest under the Coroners Act (Northern Ireland) 1959 and any ”.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

**Commencement Information**

**I169** Sch. 21 para. 44 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xvi)

*International Criminal Court Act 2001 (c. 17)*

- 45 In section 35 of the International Criminal Court Act 2001 (orders for exhumation), for “section 23 of the Coroners Act 1988 (c. 13)” substitute “ paragraph 6 of Schedule 5 to the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I170** Sch. 21 para. 45 in force at 25.7.2013 by S.I. 2013/1869, art. 2(o)(xvi)

PROSPECTIVE

*Courts Act 2003 (c. 39)*

<sup>F40</sup>46 .....

**Textual Amendments**

**F40** Sch. 21 para. 46 repealed (18.9.2012) by The Public Bodies (Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board) Order 2012 (S.I. 2012/2401), art. 1(2)(3), Sch. 1 para. 35 (with art. 2)

PROSPECTIVE

*Human Tissue Act 2004 (c. 30)*

- 47 The Human Tissue Act 2004 is amended as follows.
- 48 In section 1 (authorisation of activities for scheduled purposes), in subsection (2), for the words after “shall be lawful” substitute “if done with the appropriate consent and after—
- (a) the confirmation of the cause of death by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the Coroners and Justice Act 2009 or the issue by a medical examiner of a certificate of the cause of death in accordance with regulations under section 20(1)(h)(i) of that Act, or
  - (b) the signing of a certificate under Article 25(2) of the Births and Deaths Registration (Northern Ireland) Order 1976 of the cause of the person's death.”
- 49 (1) Section 5 (prohibition of activities without consent etc) is amended as follows.
- (2) In subsection (3), for the words from “neither” to the end substitute “none of the following has happened in relation to the death of the person concerned—

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

- (a) the confirmation of the cause of death by a medical examiner in accordance with regulations under section 20(1)(f)(i) of the Coroners and Justice Act 2009 or the issue by a medical examiner of a certificate of the cause of death in accordance with regulations under section 20(1)(h)(i) of that Act;
  - (b) the signing of a certificate under Article 25(2) of the Births and Deaths Registration (Northern Ireland) Order 1976 of the cause of death.”
- (3) In subsection (4)(a)(i), for “a certificate under either of those provisions has been signed in relation to the cause of death of the person concerned” substitute “ one of the things mentioned in paragraphs (a) and (b) of that subsection has happened in relation to the death of the person concerned ”.
- 50 In section 43 (preservation for transplantation), after subsection (5) insert—
- “(5A) Section 11(2) applies to an act on authority under subsection (1) above as it applies to an act on authority under section 1.”

*Constitutional Reform Act 2005 (c. 4)*

51 In Schedule 14 to the Constitutional Reform Act 2005 (the Judicial Appointments Commission: relevant offices and enactments), at the end of [F41Table 1 of] Part 3 insert—

“Coroner for Treasure	Paragraph 1 of Schedule 4 to the Coroners and Justice Act 2009
Deputy Chief Coroner	Paragraph [F422(6)] of Schedule 8 to the Coroners and Justice Act 2009”

**Textual Amendments**

**F41** Words in Sch. 21 para. 51 inserted (1.10.2013 for specified purposes) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 49\(6\)\(a\)](#); S.I. 2013/2200, art. 3(e)(f) (with savings in S.I. 2013/2192, regs. 48, 49)

**F42** Word in Sch. 21 para. 51 substituted (1.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 13 para. 49\(6\)\(b\)](#); S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

**Commencement Information**

**I171** Sch. 21 para. 51 in force at 25.7.2013 for specified purposes by [S.I. 2013/1869](#), [art. 2\(o\)\(xvii\)](#)

**PART 2**

MURDER AND SUICIDE

*Criminal Justice Act 2003 (c. 44)*

F43 52 .....

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

#### Textual Amendments

**F43** Sch. 21 para. 52 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

#### *Children and Young Persons Act 1933 (c. 12)*

- 53 In Schedule 1 to the Children and Young Persons Act 1933 (offences against children and young persons to which special provisions apply), after the entry relating to infanticide insert— “ An offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person. ”

#### Commencement Information

**I172** Sch. 21 para. 53 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), **Sch. para. 25(a)**

#### *Visiting Forces Act 1952 (c. 67)*

- 54 In the Visiting Forces Act 1952—
- (a) in section 7(6) (provisions as to coroner's inquests and removal of bodies: meaning of homicide) for the words from “murder” to the end substitute “—
    - (a) murder, manslaughter or infanticide,
    - (b) any offence under the law of the country in question which is analogous to any of the offences within paragraph (a), and
    - (c) any offence under the law of the country in question which is analogous to an offence under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide).”, and
  - (b) in paragraph 1(a) of the Schedule (offences against the person for purposes of restriction of trial by United Kingdom courts of offenders connected with visiting forces) for “of” to “commit suicide” substitute “ under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide) ”.

#### Commencement Information

**I173** Sch. 21 para. 54 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), **Sch. para. 25(a)**

#### *Suicide Act 1961 (c. 60)*

- 55 In Schedule 1 to the Suicide Act 1961—
- (a) in Part 1 omit the entry relating to Schedule 1 to the Children and Young Persons Act 1933 (c. 12), and

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- (b) in Part 2 omit the entry relating to section 7 of the Visiting Forces Act 1952 (c. 67).

**Commencement Information**

**I174** Sch. 21 para. 55 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Criminal Justice Act (Northern Ireland) 1966 (c. 20)*

- 56 In section 12 of the Criminal Justice Act (Northern Ireland) 1966 (suicide to cease to be a crime), for “13 and 14” substitute “ 13 to 14 ”.

**Commencement Information**

**I175** Sch. 21 para. 56 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

- 57 In Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968 (offences against children and young persons to which special provisions apply), for the entry for “Aiding, abetting, counselling or procuring the suicide of a child or young person” substitute— “ An offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person. ”

**Commencement Information**

**I176** Sch. 21 para. 57 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Criminal Attempts Act 1981 (c. 47)*

- 58 After section 1(4)(b) of the Criminal Attempts Act 1981 (exclusions to offence of attempting to commit an offence) insert—  
“(ba) an offence under section 2(1) of the Suicide Act 1961 (c. 60) (encouraging or assisting suicide);”.

**Commencement Information**

**I177** Sch. 21 para. 58 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

*Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I. 13))*

- 59 After Article 3(4)(b) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (exclusions to offence of attempting to commit an offence) insert—  
“(ba) an offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide);”.

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#### Commencement Information

**I178** Sch. 21 para. 59 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

#### *Law Reform (Year and a Day Rule) Act 1996 (c. 19)*

- 60 (1) Section 2 of the Law Reform (Year and a Day Rule) Act 1996 (restriction on institution of proceedings for a fatal offence) is amended as follows.
- (2) For subsection (3)(b) (but not the “or” following it) substitute—
- “(b) an offence under section 2(1) of the Suicide Act 1961 (offence of encouraging or assisting suicide) in connection with the death of a person.”.
- (3) In subsection (5) after paragraph (a) insert—
- “(aa) the reference in subsection (3)(b) to section 2(1) of the Suicide Act 1961 is to be read as a reference to section 13(1) of the Criminal Justice Act (Northern Ireland) 1966, and”.

#### Commencement Information

**I179** Sch. 21 para. 60 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

#### *Serious Crime Act 2007 (c. 27)*

- 61 (1) The Serious Crime Act 2007 is amended as follows.
- (2) After section 51 insert—

#### **“51A Exceptions to section 44 for encouraging or assisting suicide**

Section 44 does not apply to an offence under section 2(1) of the Suicide Act 1961 or section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (offence of encouraging or assisting suicide).”

- (3) In Schedule 3 (offences to be disregarded for the purposes of the offences under sections 45 and 46)—
- (a) in Part 2, after paragraph 27 insert—

#### *“Suicide Act 1961 (c. 60)*

27A An offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide).”, and

- (b) in Part 4, after paragraph 42 insert—

#### *“Criminal Justice Act (Northern Ireland) 1966 (c. 20)*

42A An offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (encouraging or assisting suicide).”

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#### Commencement Information

**I180** Sch. 21 para. 61 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(a)

### PART 3

#### PROHIBITED IMAGES OF CHILDREN

##### *Sexual Offences Act 2003 (c. 42)*

- 62 (1) Schedule 3 to the Sexual Offences Act 2003 (sexual offences in respect of which offender becomes subject to notification requirements) is amended as follows.
- (2) After paragraph 35A insert—
- “35B An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender—
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”
- (3) Paragraphs 92A to 92V, as inserted by Article 13 of the Sexual Offences (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1779), are renumbered as paragraphs 92B to 92W of that Schedule (and are to be regarded as so inserted after paragraph 92A as inserted by paragraph 58(3) of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4)).
- (4) After paragraph 92W insert—
- “92X An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children) if the offender—
- (a) was 18 or over, and
  - (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”
- (5) In paragraphs 93(1) and 93A(1) (service offences) for “35A” substitute “ 35B ”.

#### Commencement Information

**I181** Sch. 21 para. 62 partly in force; Sch. 21 para. 62(3) in force at Royal Assent see s. 182(1)(h)

**I182** Sch. 21 para. 62(1)(2)(4)(5) in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(a)

##### *Criminal Justice Act 2003 (c. 44)*

- 63 In Schedule 34A to the Criminal Justice Act 2003 (child sex offences for purposes of provisions about disclosure of information to the public), after paragraph 13 insert—
- “13A An offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).”



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**Commencement Information**

**I183** Sch. 21 para. 63 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(a)

*Armed Forces Act 2006 (c. 52)*

- 64 In Schedule 2 to the Armed Forces Act 2006 (offences), after paragraph 12(au) add—
- “(av) an offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).”

**Commencement Information**

**I184** Sch. 21 para. 64 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(a)

**PART 4**

ABOLITION OF COMMON LAW LIBEL OFFENCES ETC

*Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8)*

- 65 (1) In section 1 of the Criminal Libel Act 1819 (power of court to make order for seizure of copies of libel)—
- (a) after “In every case” insert “ in Northern Ireland ”, and
- (b) omit from “, or any seditious libel” to “means”.
- (2) This paragraph does not extend to Scotland.

*Libel Act 1843 (c. 96)*

- 66 In section 7 of the Libel Act 1843 (evidence to rebut prima facie case of publication by agent)—
- (a) after “Whensoever” insert “ in Northern Ireland ”, and
- (b) before “libel” insert “ blasphemous ”.

*Newspaper Libel and Registration Act 1881 (c. 60)*

- 67 In section 4 of the Newspaper Libel and Registration Act 1881 (inquiry by court of summary jurisdiction as to libel being for public benefit etc)—
- (a) after “jurisdiction” insert “ in Northern Ireland ”,
- (b) before “libel” (in first place it occurs) insert “ blasphemous ”, and
- (c) omit from “as to the publication” to “malice, and”.

*Law of Libel Amendment Act 1888 (c. 64)*

- 68 In section 8 of the Law of Libel Amendment Act 1888 (order of Judge required for prosecution of newspaper proprietor etc)—
- (a) after “commenced” insert “ in Northern Ireland ”, and

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(b) before “libel” insert “ blasphemous ”.

## PART 5

### WITNESS ANONYMITY ORDERS

#### *Criminal Appeal Act 1968 (c. 19)*

69 In section 31 of the Criminal Appeal Act 1968 (powers of Court which are exercisable by single judge), after subsection (2E) insert—

“(2F) The powers of the Court of Appeal to make, discharge or vary a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009 may be exercised by a single judge in the same manner as they may be exercised by the Court.”

#### *Court Martial Appeals Act 1968 (c. 20)*

70 In section 36 of the Court Martial Appeals Act 1968 (powers of Court which are exercisable by single judge), in subsection (1), after paragraph (j) (as inserted by Schedule 8 to the Armed Forces Act 2006 (c. 52)) insert—

“(k) to make a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009;  
(l) to discharge or vary a witness anonymity order under any of sections 91, 92 and 93 of that Act;”.

#### *Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

71 In section 45 of the Criminal Appeal (Northern Ireland) Act 1980 (powers of Court which are exercisable by single judge), after subsection (3D) insert—

“(3E) Subject to section 44(4) above, the powers of the Court of Appeal to make, discharge or vary a witness anonymity order under Chapter 2 of Part 3 of the Coroners and Justice Act 2009 may be exercised by a single judge of the Court.”

## PART 6

### VULNERABLE AND INTIMIDATED WITNESSES

#### *Crime and Disorder Act 1998 (c. 37)*

F4472 .....

#### Textual Amendments

**F44** Sch. 21 para. 72 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 50 (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

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*Youth Justice and Criminal Evidence Act 1999 (c. 23)*

- 73 In section 27(5) of the Youth Justice and Criminal Evidence Act 1999 (consequences of admitting video recording), in paragraph (a)(i), for “otherwise than by testimony in court” substitute “in any recording admissible under section 28”.

**Commencement Information**

**I185** Sch. 21 para. 73 in force at 27.6.2011 by S.I. 2011/1452, art. 2(g)

**PART 7**

**BAIL**

*Bail Act 1976 (c. 63)*

- 74 In the Bail Act 1976—
- (a) in section 4 (general right to bail of accused persons etc), in subsection (7) at the end add “and section 115(1) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge)”, and
  - (b) in section 7 (liability to arrest for absconding or breaking conditions of bail), after subsection (7) add—
    - “(8) In the case of a person charged with murder or with murder and one or more other offences—
    - (a) subsections (4) and (5) have effect as if for “justice of the peace” there were substituted “judge of the Crown Court”
    - (b) subsection (6) has effect as if for “justice” (in both places) there were substituted “judge”, and
    - (c) subsection (7) has effect, for the purposes of subsection (4), as if at the end there were added “, Saturday or bank holiday.”

**Commencement Information**

**I186** Sch. 21 para. 74 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

*Magistrates' Courts Act 1980 (c. 43)*

- 75 In section 117 of the Magistrates' Courts Act 1980 (warrant endorsed for bail), after subsection (1) insert—
- “(1A) Subsection (1) is subject to section 115(1) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge).”

**Commencement Information**

**I187** Sch. 21 para. 75 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

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*Supreme Court Act 1981 (c. 54)*

76 In section 81 of the Supreme Court Act 1981 (granting of bail by the Crown Court)

- (a) after subsection (1)(g) insert—
- “(h) in respect of whom a judge of the Crown Court is required to make a decision pursuant to section 115(3) of the Coroners and Justice Act 2009 (bail decisions in murder cases to be made by Crown Court judge);”, and”
- (b) in subsection (5) for “either” to the end substitute “—
- (a) if the person is charged with murder or with murder and one or more other offences, the Crown Court, and
- (b) in any other case, either the Crown Court or a magistrates’ court.”

**Commencement Information**

**I188** Sch. 21 para. 76 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

*Police and Criminal Evidence Act 1984 (c. 60)*

77 In section 38 of the Police and Criminal Evidence Act 1984 (duties of custody officer after charge), after subsection (1)(b) add—

- “(c) the offence with which the person is charged is murder.”

**Commencement Information**

**I189** Sch. 21 para. 77 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

*Crime and Disorder Act 1998 (c. 37)*

78 In section 52 of the Crime and Disorder Act 1998 (supplementary provision about persons sent for trial to Crown Court), in subsection (1), after “1980 Act” insert “, section 115(1) of the Coroners and Justice Act 2009”.

**Commencement Information**

**I190** Sch. 21 para. 78 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 25(b)

**PART 8**

SENTENCING COUNCIL FOR ENGLAND AND WALES

*Parliamentary Commissioner Act 1967 (c. 13)*

79 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), after the entry for the Security Industry Authority insert—

- “Sentencing Council for England and Wales.”

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**Commencement Information**

**I191** Sch. 21 para. 79 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

*Magistrates' Courts Act 1980 (c. 43)*

- 80 In section 19 of the Magistrates' Courts Act 1980 (decision as to allocation), as substituted by Schedule 3 to the Criminal Justice Act 2003 (c. 44), in subsection (3) for “170 of the Criminal Justice Act 2003” substitute “ 122 of the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I192** Sch. 21 para. 80 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

*Crime and Disorder Act 1998 (c. 37)*

- 81 In Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons are sent for trial under section 51 of that Act), in paragraph 9(3), as substituted by Schedule 3 to the Criminal Justice Act 2003, for “170 of the Criminal Justice Act 2003” substitute “ 122 of the Coroners and Justice Act 2009 ”.

**Commencement Information**

**I193** Sch. 21 para. 81 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

*Freedom of Information Act 2000 (c. 36)*

- 82 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: other public bodies and offices), after the entry for the Senior Salaries Review Body insert—  
“The Sentencing Council for England and Wales.”

**Commencement Information**

**I194** Sch. 21 para. 82 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b)

*Criminal Justice Act 2003 (c. 44)*

- 83 The Criminal Justice Act 2003 is amended as follows.

**Commencement Information**

**I195** Sch. 21 para. 83 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 20(b) (with art. 7) (as amended (11.3.2011) by S.I. 2011/722, art. 2)

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#### Textual Amendments

**F45** Sch. 21 para. 84 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 64\(5\)\(d\)](#), 151(1); S.I. 2012/2906, art. 2(a)

<sup>F46</sup>85 .....

#### Textual Amendments

**F46** Sch. 21 para. 85 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

<sup>F47</sup>86 .....

#### Textual Amendments

**F47** Sch. 21 para. 86 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [ss. 416\(1\)](#), [Sch. 28](#) (with [ss. 413\(5\)](#), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

87 In section 330 (orders and rules), in subsection (1), after paragraph (b) add—  
“(c) the powers conferred on the Lord Chancellor by sections 174(4) and 269(6) to make an order.”

#### Commencement Information

**I196** Sch. 21 para. 87 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 20\(b\)](#)

88 In Schedule 38 (transitory, transitional and saving provisions), omit paragraphs 2 and 3.

#### Commencement Information

**I197** Sch. 21 para. 88 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 20\(b\)](#)

#### *Armed Forces Act 2006 (c. 52)*

89 In section 259 of the Armed Forces Act 2006 (sentencing guidelines), for subsection (5) substitute—

“(5) In this section “guidelines” means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines so issued.”

#### Commencement Information

**I198** Sch. 21 para. 89 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 20\(b\)](#)

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## PART 9

### DISQUALIFICATION FOR DRIVING

#### *Road Traffic Offenders Act 1988 (c. 53)*

- 90 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 34 (disqualification for certain offences), after subsection (4A) insert—
- “(4AA) For the purposes of subsection (4)(b), a disqualification is to be disregarded if the period of disqualification would have been less than 56 days but for an extension period added pursuant to—
- (a) section 35A or 35C,
  - (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
  - (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”
- (3) In section 34A (as substituted by section 35 of the Road Safety Act 2006 (c. 49)) (reduced disqualification for attendance on courses)—
- (a) in subsection (1)(b), after “months” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
  - (b) in subsection (5), after “of this Act” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
  - (c) in subsection (6), after “order”, in first place it occurs, insert “ (but including any extension period added pursuant to section 35A or 35C) ”, and
  - (d) after subsection (7) insert—
- “(7A) The reduced period” is the period of disqualification imposed under section 34 of this Act (disregarding any extension period added pursuant to section 35A or 35C) as reduced by an order under this section.”
- (4) In section 34B (as so substituted) (certificates of completion of courses)—
- (a) in subsection (1), for “unreduced period” substitute “ total unreduced period of disqualification ”,
  - (b) in subsection (2)—
    - (i) for “unreduced period” substitute “ total unreduced period of disqualification ”, and
    - (ii) for “reduced period”, in both places it occurs, substitute “ the total reduced period of disqualification ”, and
  - (c) after subsection (11) add—
- “(12) For the purposes of this section—
- “the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under section 34A;
- “the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”

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- (5) In section 34D (as inserted by section 15 of the Road Safety Act 2006) (reduced disqualification period: alcohol ignition interlock programme orders)—
- (a) in subsection (1)(d), after “section” insert “ and disregarding any extension period added pursuant to section 35A or 35C ”,
  - (b) in subsection (3), after “specify” insert “ as the period of disqualification under section 34 (disregarding any extension period added pursuant to section 35A or 35C) ”,
  - (c) after subsection (5) insert—
 

“(5A) An appropriate extension period (within the meaning of section 35A or 35C) is not to be added to the further order referred to in subsection (5).”
  - (d) in subsection (6)—
    - (i) in paragraph (a), for “unreduced period” substitute “ total unreduced period of disqualification ”, and
    - (ii) in paragraph (b), for “reduced period” substitute “ total reduced period of disqualification ”, and
  - (e) after that subsection insert—
 

“(6A) In subsection (6)—

“the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under this section;

“the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”
- (6) In section 35 (disqualification for repeated offences)—
- (a) in subsection (2), in the words following paragraph (b), after “offender is” insert “ , subject to subsection (2A), ”, and
  - (b) after subsection (2) insert—
 

“(2A) A previous disqualification imposed on an offender for a fixed period is not to be taken into account for the purposes of subsection (2) if that period would have been less than 56 days but for an extension period added pursuant to—

    - (a) section 35A or 35C,
    - (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
    - (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(7) In section 37 (effect of order of disqualification)—

    - (a) in subsection (1A)(a), after “56 days” insert “ (disregarding any extension period) ”,
    - (b) in subsection (1A), after “period of disqualification” insert “ (including any extension period) ”, and
    - (c) after subsection (1A) insert—



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- “(1B) In subsection (1A) “extension period” means an extension period added pursuant to—
- (a) section 35A or 35C,
  - (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
  - (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”
- (8) In section 42 (removal of disqualification)—
- (a) in subsection (3)—
    - (i) for “the date of the order by which the disqualification was imposed” substitute “ the relevant date ”,
    - (ii) in paragraph (a), after “four years” insert “ (disregarding any extension period) ”, and
    - (iii) in paragraph (b), for “period of disqualification, if it is” substitute “ period of disqualification (disregarding any extension period), if the disqualification is (disregarding any extension period) ”,
  - (b) after subsection (3) insert—
    - “(3A) In subsection (3) “the relevant date” means—
      - (a) the date of the order imposing the disqualification in question, or
      - (b) if the period of the disqualification is extended by an extension period, the date in paragraph (a) postponed by a period equal to that extension period.”, and
    - (c) after subsection (3A) (as inserted by paragraph (b)), insert—
      - “(3B) Extension period” means an extension period added pursuant to—
        - (a) section 35A or 35C,
        - (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
        - (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”
- (9) In section 47 (supplementary provisions as to disqualification and endorsements)—
- (a) in subsection (2) (as substituted by paragraph 44(2) of Schedule 3 to the Road Safety Act 2006 (c. 49)), after “or more” insert “ (disregarding any extension period) ”, and
  - (b) after subsection (2), insert—
    - “(2ZA) In subsection (2) “extension period” means an extension period added pursuant to—
      - (a) section 35A or 35C,
      - (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
      - (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

*Status: Point in time view as at 10/03/2022.*

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#### Commencement Information

**I199** Sch. 21 para. 90(1)(2)(6)-(9) in force at 16.7.2018 by S.I. 2018/733, art. 2(c)

#### *Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 91 In section 248C of the Criminal Procedure (Scotland) Act 1995 (application of sections 248A and 248B), omit subsection (3).

#### Commencement Information

**I200** Sch. 21 para. 91 in force at 16.7.2018 by S.I. 2018/733, art. 2(c)

#### PROSPECTIVE

#### *Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10))*

- 92 (1) The Road Traffic Offenders (Northern Ireland) Order 1996 is amended as follows.
- (2) In Article 35(4) (disqualification for certain offences), in sub-paragraph (b) after “or more” insert “ (disregarding any extension period added pursuant to Article 40A or Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))) ”.
- (3) In Article 36 (reduced disqualification period for attendance on courses)—
- in paragraph (1)(b), after “months” insert “ (disregarding any extension period added pursuant to Article 40A) ”,
  - in paragraph (2), after “Article 35” insert “ (disregarding any extension period added pursuant to Article 40A) (“the unreduced period”) ”,
  - in paragraph (3), after “Article 35”, in both places it occurs, insert “ (disregarding any extension period added pursuant to Article 40A) ”,
  - after that paragraph insert—
 

“(3A) The reduced period” is the period of disqualification imposed under Article 35 of this Order (disregarding any extension period added pursuant to Article 40A) as reduced by an order under this Article.”,

and
  - in paragraph (5), at the end insert “ but including any extension period added pursuant to Article 40A. ”
- (4) In Article 37 (certificates of completion of courses)—
- in paragraph (1), for “period of disqualification imposed under Article 35” substitute “ total unreduced period of disqualification ”,
  - in paragraph (2)—
    - for “period of disqualification imposed under Article 35” substitute “ total unreduced period of disqualification ”,
    - for “end of the period as it would have been reduced by the order” substitute “ total reduced period of disqualification ”, and

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- (iii) for “reduced period” substitute “ the total reduced period of disqualification ”, and
- (c) after that paragraph insert—
  - “(2A) For the purposes of this Article—
    - “the total reduced period of disqualification” means the period of disqualification imposed under Article 35 (including any extension period added to that period pursuant to Article 40A), as reduced by an order under Article 36;
    - “the total unreduced period of disqualification” means the period of disqualification imposed under Article 35 (including any such extension period), disregarding any reduction by such an order.”
- (5) In Article 38A (as inserted by Article 60 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (reduced disqualification period: alcohol ignition interlock programme orders)—
  - (a) in paragraph (1)(d), after “Article” insert “ and disregarding any extension period added pursuant to Article 40A ”,
  - (b) in paragraph (3), after “specify” insert “ as the period of disqualification under Article 35 (disregarding any extension period added pursuant to Article 40A) ”,
  - (c) after paragraph (5) insert—
    - “(5A) An appropriate extension period (within the meaning of Article 40A) is not to be added to the further order referred to in paragraph (5).”,
  - (d) in paragraph (6)—
    - (i) in sub-paragraph (a), for “unreduced period” substitute “ total unreduced period of disqualification ”, and
    - (ii) in sub-paragraph (b), for “reduced period” substitute “ total reduced period of disqualification ”, and
  - (e) after that paragraph insert—
    - “(6A) In paragraph (6)—
      - “total reduced period of disqualification” means the period of disqualification imposed under Article 35 (including any extension period added to that period pursuant to Article 40A), as reduced by an order under this Article;
      - “total unreduced period of disqualification” means the period of disqualification imposed under Article 35 (including any such extension period), disregarding any reduction by such an order.”
- (6) In Article 40(3) (disqualification for repeated offences), after “or more” insert “ (disregarding any extension period added pursuant to Article 40A or Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1))) ”.
- (7) In Article 42 (effect of order of disqualification)—
  - (a) in paragraph (2)(a), after “56 days” insert “ (disregarding any extension period) ”,

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(b) in paragraph (2), after “period of disqualification” insert “ (including any extension period) ”, and

(c) after paragraph (2) insert—

“(2A) In paragraph (2) “extension period” means an extension period added pursuant to—

- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

(8) In Article 47 (removal of disqualification)—

(a) in paragraph (3)—

- (i) for “the date of the order by which the disqualification was imposed” substitute “ the relevant date ”,
- (ii) in sub-paragraph (a), after “4 years” insert “ (disregarding any extension period) ”, and
- (iii) in sub-paragraph (b), for “period of disqualification, if it is” substitute “ period of disqualification (disregarding any extension period), if the disqualification is (disregarding any extension period) ”,

(b) after paragraph (3) insert—

“(3A) In paragraph (3) “the relevant date” means—

- (a) the date of the order imposing the disqualification in question, or
- (b) if the period of the disqualification is extended by an extension period, the date in sub-paragraph (a) postponed by a period equal to that extension period.”, and

(c) after paragraph (3A) (as inserted by paragraph (b)), insert—

“(3B) Extension period” means an extension period added pursuant to—

- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

(9) In Article 52 (supplementary provisions as to disqualification and endorsements)—

(a) in paragraph (2), after “or more” insert “ (disregarding any extension period) ”, and

(b) after paragraph (2), insert—

“(2ZA) In paragraph (2) “extension period” means an extension period added pursuant to—

- (a) Article 40A,
- (b) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)), or
- (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”

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PROSPECTIVE

*Crime (International Co-operation) Act 2003 (c. 32)*

F48 93 .....

**Textual Amendments**

**F48** Sch. 21 para. 93 omitted (23.2.2017) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 7 para. 22](#) (with [Sch. 7 para. 27](#)); S.I. 2017/189, art. 3

**PART 10**

MISCELLANEOUS

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

F49 94 .....

**Textual Amendments**

**F49** Sch. 21 para. 94 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

*Criminal Justice Act 2003 (c. 44)*

F50 95 .....

**Textual Amendments**

**F50** Sch. 21 para. 95 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

*Animal Welfare Act 2006 (c. 45)*

96 Section 8(6) of the Animal Welfare Act 2006 (penalties for offences relating to provision of information society services) ceases to have effect.

*Legal Services Act 2007 (c. 29)*

97 In Schedule 23 to the Legal Services Act 2007 (repeals), in the second column of the entry for the Constitutional Reform Act 2005 (c. 4), omit “1(2),”.

*Criminal Justice and Immigration Act 2008 (c. 4)*

F51 98 .....

*Status: Point in time view as at 10/03/2022.*

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### Textual Amendments

**F51** Sch. 21 para. 98 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\), 416\(7\), Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

## SCHEDULE 22

Section 177

### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

#### PART 1

#### CORONERS ETC

##### *Coroner areas*

- 1 (1) Where an order is made under section 182(4) bringing into force the repeal of sections 1 to 7 of the 1988 Act (coroners, coroners' districts and deputy coroners), the Lord Chancellor must make an order under paragraph 1 of Schedule 2—
- (a) specifying as a coroner area the area of each coroner's district immediately before the repeal, and
  - (b) coming into force at the same time as the repeal.
- The order made by virtue of this sub-paragraph is referred to in this Schedule as the “transitional order”.
- (2) Paragraph 1(2) of Schedule 2 does not apply to the coroner areas specified in the transitional order.
- (3) The transitional order must specify, as the name of each coroner area, the name by which the corresponding coroner's district was known (but ending “coroner area” instead of “coroner's district”).
- (4) The transitional order must, in relation to each coroner area, contain the provision that may be made under paragraph 2(1)(b) of Schedule 3 (minimum number of assistant coroners).

##### *Relevant authorities*

- 2 (1) For the purposes of this Part, the “relevant authority” for each coroner area specified in the transitional order is the authority that was the relevant council under the 1988 Act for the corresponding coroner's district.
- (2) This paragraph does not apply in relation to a coroner area specified in any subsequent order under Schedule 2.

##### *Senior and assistant coroners*

- 3 (1) Sub-paragraphs (2) and (3) apply on the coming into force of the repeal by this Act of sections 1 to 7 of the 1988 Act.
- (2) A person who—

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- (a) immediately before the repeal was the coroner for a district, and
  - (b) would, but for the repeal, continue in office,is to be treated as having been appointed under paragraph 1(1) of Schedule 3 as the senior coroner for the corresponding coroner area.
- (3) A person who—
  - (a) immediately before the repeal was the deputy coroner or an assistant deputy coroner appointed by the coroner for a district, and
  - (b) would, but for the repeal, continue in office,is to be treated as having been appointed under paragraph 2(4) of Schedule 3 as an assistant coroner for the corresponding coroner area.
- (4) A person who—
  - (a) becomes an assistant coroner as the result of sub-paragraph (3), and
  - (b) would accordingly (but for this sub-paragraph) be entitled to fees under paragraph 16 of Schedule 3,is instead entitled to a salary under paragraph 15 of that Schedule if immediately before becoming an assistant coroner he or she was a deputy coroner remunerated by a salary.
- (5) Paragraphs 15(6) and 17 of Schedule 3 have effect as if a reference to an area coroner included a reference to a person within sub-paragraph (4).
- (6) Paragraphs 3 and 4 of Schedule 3 do not apply in relation to a deemed appointment under sub-paragraph (2) or (3) above.
- (7) Paragraph 10 of that Schedule does not apply to a person who becomes a senior coroner, area coroner or assistant coroner as the result of sub-paragraph (2) or (3) above.
- (8) Sub-paragraphs (9) to (11) apply where an order under paragraph 2 of Schedule 2 has the effect of creating a coroner area (“the new area”) that consists of or includes some or all of the area of one or more existing coroner areas (“the old areas”).
- (9) A person who does not meet the criteria in paragraph 3 of Schedule 3, or who falls within paragraph 4 of that Schedule, may nevertheless become the senior coroner or an area coroner for the new area at its inception if he or she is someone who—
  - (a) was treated by virtue of sub-paragraph (2) above as having been appointed as the senior coroner for one of the old areas, and
  - (b) held office as such immediately before the inception of the new area.
- (10) A person who does not meet the criteria in paragraph 3 of Schedule 3, or who falls within paragraph 4 of that Schedule, may nevertheless become an assistant coroner for the new area at its inception if he or she is someone who—
  - (a) was treated by virtue of sub-paragraph (2) or (3) above as having been appointed as the senior coroner or an assistant coroner for one of the old areas, and
  - (b) held office as such immediately before the inception of the new area.
- (11) Paragraph 10 of that Schedule does not apply to—
  - (a) a person within paragraphs (a) and (b) of sub-paragraph (9) above who becomes the senior coroner for the new area at its inception;

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- (b) a person within paragraphs (a) and (b) of sub-paragraph (10) above who becomes an assistant coroner for the new area at its inception.

#### *Coroner for Treasure*

- 4 In the case of the first appointment to the office of Coroner for Treasure, paragraph 2(b) of Schedule 4 does not apply to a person holding office as a coroner, deputy coroner or assistant deputy coroner under the 1988 Act on the coming into force of that Schedule.

#### *Investigation by former coroner*

- 5 A person who—
- (a) was appointed as a coroner under section 1 of the 1988 Act, and
  - (b) ceased to hold office as such before the coming into force of the repeal by this Act of that section,
- is to be treated for the purposes of paragraph 3(3) of Schedule 10 as having held office as a senior coroner.

#### *Interpretation*

- 6 In this Part—
- “the 1988 Act” means the Coroners Act 1988 (c. 13);
  - “coroner's district” or “district” means a coroner's district for the purposes of the 1988 Act;
  - “corresponding coroner area”, in relation to a district, means the coroner area that (by virtue of the transitional order) has the same area as that district;
  - “corresponding coroner's district”, in relation to a coroner area, means the coroner's district whose area becomes (by virtue of the transitional order) the area of that coroner area;
  - “transitional order” means the order made by virtue of paragraph 1(1).

## **PART 2**

### **CRIMINAL OFFENCES**

#### *Commencement of Chapter 1 of Part 2*

- 7 (1) No provision of Chapter 1 of Part 2 affects the operation of—
- (a) any rule of the common law, or
  - (b) any provision of an Act or of subordinate legislation,
- in relation to offences committed wholly or partly before the commencement of the provision in question.
- (2) For the purposes of this paragraph an offence is partly committed before a particular time if—
- (a) a relevant event occurs before that time, and
  - (b) another relevant event occurs at or after that time.



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- (3) “Relevant event” in relation to an offence means any act, omission or other event (including any consequence of an act) proof of which is required for conviction of the offence.

**Commencement Information**

**I201** Sch. 22 para. 7 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(a)

*Suicide*

- 8 The reference to “aiding, abetting, counselling or procuring suicide” in the following enactments is to be read as including a reference to “an offence under section 2(1) of the Suicide Act 1961 (encouraging or assisting suicide) in connection with the death of a person”—
- (a) section 70(4) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18);
  - (b) section 70(4) of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19);
  - (c) section 48(2) of the Naval Discipline Act 1957 (c. 53).

**Commencement Information**

**I202** Sch. 22 para. 8 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

- 9 Until such time as the following provisions of the Coroners Act 1988 (c. 13) are repealed by this Act, they have effect with the following amendments—
- (a) in section 16(1)(a)(iii) for “consisting of aiding, abetting, counselling or procuring the suicide of the deceased” substitute “(encouraging or assisting suicide) in connection with the death of the deceased”,
  - (b) in section 17(1)(c) for “consisting of aiding, abetting, counselling or procuring the suicide of another” substitute “(encouraging or assisting suicide) in connection with a death”, and
  - (c) in section 17(2)(c) for “consisting of aiding, abetting, counselling or procuring the suicide of another” substitute “(encouraging or assisting suicide) in connection with a death”.

**Commencement Information**

**I203** Sch. 22 para. 9 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

- 10 (1) In this paragraph—
- “old offence” means an offence under section 2(1) of the Suicide Act 1961 as that section had effect before the section 59 commencement date, or an attempt to commit such an offence;
  - “new offence” means an offence under section 2(1) of that Act as that Act is amended by section 59 of this Act.
- (2) Sub-paragraph (3) applies where—
- (a) a person (“the defendant”) is charged in respect of the same conduct with both an old offence and a new offence,

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- (b) the only thing preventing the defendant from being found guilty of the new offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly after the section 59 commencement date, and
  - (c) the only thing preventing the defendant from being found guilty of the old offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly or partly before the section 59 commencement date.
- (3) For the purpose of determining the guilt of the defendant it is to be conclusively presumed that the offence was committed wholly or partly before the section 59 commencement date.
- (4) For this purpose “the section 59 commencement date” means the day appointed under section 182 for the coming into force of section 59.

#### Commencement Information

**I204** Sch. 22 para. 10 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

- 11 (1) In this paragraph—
- “old offence” means an offence under section 13(1) of the Criminal Justice Act (Northern Ireland) 1966 (c. 20) as that section had effect before the section 60 commencement date, or an attempt to commit such an offence;
- “new offence” means an offence under section 13(1) of that Act as that Act is amended by section 60 of this Act.
- (2) Sub-paragraph (3) applies where—
- (a) a person (“the defendant”) is charged in respect of the same conduct with both an old offence and a new offence,
  - (b) the only thing preventing the defendant from being found guilty of the new offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly after the section 60 commencement date, and
  - (c) the only thing preventing the defendant from being found guilty of the old offence is the fact that it has not been proved beyond reasonable doubt that the offence was committed wholly or partly before the section 60 commencement date.
- (3) For the purpose of determining the guilt of the defendant it is to be conclusively presumed that the offence was committed wholly or partly before the section 60 commencement date.
- (4) For this purpose “the section 60 commencement date” means the day appointed under section 182 for the coming into force of section 60.

#### Commencement Information

**I205** Sch. 22 para. 11 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(b)

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### *Prohibited images of children*

- 12 (1) In section 66(3)(a) in its application in relation to England and Wales the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of [<sup>F52</sup>paragraph 24(2) of Schedule 22 to the Sentencing Act 2020].
- (2) The Schedules mentioned in subsections (1)(b) and (2)(b) of section 67, as applied by virtue of that section, have effect in relation to property regardless of when it was lawfully seized.

#### **Textual Amendments**

**F52** Words in Sch. 22 para. 12(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 443\(1\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

#### **Commencement Information**

**I206** Sch. 22 para. 12 in force at 6.4.2010 by [S.I. 2010/816, art. 2, Sch. para. 21\(a\)](#)

### *Slavery, servitude and forced or compulsory labour*

- 13 In the definition of “the relevant period” in section 71(4), as it extends to England and Wales, the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of [<sup>F53</sup>paragraph 24(2) of Schedule 22 to the Sentencing Act 2020].

#### **Textual Amendments**

**F53** Words in Sch. 22 para. 13 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 443\(1\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

#### **Commencement Information**

**I207** Sch. 22 para. 13 in force at 6.4.2010 by [S.I. 2010/816, art. 2, Sch. para. 21\(b\)](#)

## **PART 3**

### **CRIMINAL EVIDENCE, INVESTIGATIONS AND PROCEDURE**

### *Anonymity in investigations*

- 14 In section 76(12)(a) the reference to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of [<sup>F54</sup>paragraph 24(2) of Schedule 22 to the Sentencing Act 2020]).

#### **Textual Amendments**

**F54** Words in Sch. 22 para. 14 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 443\(1\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

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#### Commencement Information

**I208** Sch. 22 para. 14 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(c)

- 15 (1) Notwithstanding subsection (4)(a) of section 84, references in that section to a service offence are to be treated as including a reference to—
- (a) an offence under Part 2 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), Part 2 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or Part 1 of the Naval Discipline Act 1957 (c. 53),
  - (b) an offence under paragraph 4(6) of Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957,
  - (c) an offence under section 47K of the Naval Discipline Act 1957,
  - (d) an offence under section 18 or 20 of the Armed Forces Act 1991 (c. 62) committed before the commencement of section 50 of the Armed Forces Act 2006 (c. 52) (“the 2006 Act”),
  - (e) an offence under any of sections 95 to 97 of the Reserve Forces Act 1996 (c. 14) committed before the commencement of section 50 of the 2006 Act, and
  - (f) an offence under paragraph 5(1) of Schedule 1 to the Reserve Forces Act 1996 committed before the commencement of section 50 of the 2006 Act which the Court Martial established by the 2006 Act has jurisdiction to try.
- (2) Notwithstanding subsection (4)(b) of section 84, references in that section to a charge are to be treated as including a reference to a charge that is not brought under Part 5 of the Armed Forces Act 2006 but is to be regarded for the purposes of Part 5 as allocated for Court Martial trial, summary hearing or (as the case may be) Service Civilian Court trial.

#### Commencement Information

**I209** Sch. 22 para. 15 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(c)

#### *Anonymity of witnesses*

- 16 (1) The repeal of sections 1 to 9 of the Criminal Evidence (Witness Anonymity) Act 2008 (c. 15) (“the 2008 Act”) by section 96 does not affect the continuation in effect of a witness anonymity order made under the 2008 Act before 1 January 2010.
- (2) An application under section 3 of the 2008 Act that falls to be heard on or after 1 January 2010 is to be treated as an application under section 87 of this Act and the conditions in section 88 must be satisfied in relation to it.
- (3) The following provisions of this paragraph apply in relation to witness anonymity orders made under the 2008 Act before 1 January 2010.
- (4) Sections 91 to 93 of this Act have effect on or after 1 January 2010 for the purpose of discharging or varying a witness anonymity order made under the 2008 Act.
- (5) Accordingly, an application under section 6 of the 2008 Act that falls to be heard on or after 1 January 2010 is to be treated as an application under section 91 of this Act or (as the case may be) section 92.

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- (6) Where section 91 or 92 of this Act has effect for the purposes of discharging or varying a witness anonymity order made under the 2008 Act, the definition in that section of “the relevant time” is to be treated as including, in a case where a previous application has been made under section 6 of the 2008 Act, the time when the application under section 6 (or the last application under section 6) was made.
  - (7) Where section 91, 92 or 93 of this Act has effect in relation to a witness anonymity order made under the 2008 Act, the reference in that section to sections 88 and 89 of this Act has effect as a reference to sections 4 and 5 of the 2008 Act.
  - (8) Sections 90 and 94(3) of this Act have effect on or after 1 January 2010 in relation to a witness to whom a witness anonymity order under the 2008 Act applies as they have effect in relation to a witness to whom a witness anonymity order under Chapter 2 of Part 3 of this Act applies.
- 17
- (1) Where an appeal court's consideration of a relevant appeal commences before 1 January 2010, the repeal by section 96 of this Act of sections 1 to 9 of the 2008 Act is to be disregarded.
  - (2) Where an appeal court's consideration of a relevant appeal commences on or after 1 January 2010, the reference in section 11(2)(b)(i) to the 2008 Act is to be treated as a reference to Chapter 2 of Part 3 of this Act.
  - (3) In this paragraph—
    - “appeal court” has the meaning given by section 11 of the 2008 Act;
    - “relevant appeal” means an appeal against conviction in relation to which that section applies.
- 18
- (1) Section 92 of this Act has effect with the modifications made by this paragraph for the purposes of discharging or varying—
    - (a) a witness anonymity order made under the Criminal Evidence (Witness Anonymity) Act 2008 (c. 15) by a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53), or
    - (b) a witness anonymity order made under Chapter 2 of Part 3 of this Act by a court-martial constituted under any of those Acts.
  - (2) The references in section 92(2) to (5) to the court that made the order are to be treated—
    - (a) until the coming into force of section 154(1) of the Armed Forces Act 2006 (c. 52), as references to a court-martial constituted under the Army Act 1955, the Air Force Act 1955 or, as the case may be, the Naval Discipline Act 1957, and
    - (b) after the coming into force of section 154(1) of the Armed Forces Act 2006, as references to the Court Martial established by that Act.
- 19
- (1) Section 92 has effect with the modifications made by this paragraph for the purposes of discharging or varying a witness anonymity order made under the Criminal Evidence (Witness Anonymity) Act 2008 by—
    - (a) a Summary Appeal Court established by the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957, or
    - (b) a Standing Civilian Court established under the Armed Forces Act 1976 (c. 52).

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- (2) The references in section 92(2) to (5) to the court that made the order are to be treated—
- (a) where the order was made by a Summary Appeal Court, as references to the Summary Appeal Court established by the Armed Forces Act 2006 (c. 52), and
  - (b) where the order was made by a Standing Civilian Court, as references to the Service Civilian Court established by the Armed Forces Act 2006.
- 20 (1) Notwithstanding section 97, references in Chapter 2 of Part 3 of this Act to a service court are to be treated as including a reference to—
- (a) a court-martial constituted under the Army Act 1955 (3 & 4 Eliz. 2 c. 18), the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or the Naval Discipline Act 1957 (c. 53);
  - (b) the Summary Appeal Court established by any of those Acts;
  - (c) a Standing Civilian Court established under the Armed Forces Act 1976;
  - (d) the Courts-Martial Appeal Court.
- (2) Notwithstanding subsection (6) of section 93 of this Act, the references in section 93 to an appeal court are to be treated as including a reference to the Courts-Martial Appeal Court.
- (3) Each of the provisions mentioned in sub-paragraph (4) has effect with the modification set out in that sub-paragraph in a case where—
- (a) a witness anonymity order is made under Chapter 2 of Part 3 of this Act by a relevant service court to which that provision applies, and
  - (b) a person does anything in relation to the order which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court.
- (4) In such a case—
- (a) section 101(1) of the Army Act 1955 has effect with the omission of the words “not subject to military law”,
  - (b) section 101(1) of the Air Force Act 1955 has effect with the omission of the words “not subject to air-force law”, and
  - (c) section 65(1) of the Naval Discipline Act 1957 has effect with the omission of the words “not subject to this Act”.
- (5) In sub-paragraph (3) “relevant service court” means—
- (a) a court-martial constituted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957;
  - (b) the Summary Appeal Court established by any of those Acts.
- 21 Notwithstanding section 97, references in Chapter 2 of Part 3 of this Act to a service offence are to be treated as including a reference to—
- (a) an offence under Part 2 of the Army Act 1955, Part 2 of the Air Force Act 1955 or Part 1 of the Naval Discipline Act 1957,
  - (b) an offence under paragraph 4(6) of Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or of Schedule 4A to the Naval Discipline Act 1957,
  - (c) an offence under section 47K of the Naval Discipline Act 1957,
  - (d) an offence under section 18 or 20 of the Armed Forces Act 1991 (c. 62) committed before the commencement of section 50 of the Armed Forces Act 2006 (c. 52) (“the 2006 Act”),

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- (e) an offence under any of sections 95 to 97 of the Reserve Forces Act 1996 (c. 14) committed before the commencement of section 50 of the 2006 Act, and
  - (f) an offence under paragraph 5(1) of Schedule 1 to the Reserve Forces Act 1996 committed before the commencement of section 50 of the 2006 Act which the Court Martial established by the 2006 Act has jurisdiction to try.
- 22 If paragraph 70 of Schedule 21 to this Act comes into force before the commencement of paragraph 53 of Schedule 8 to the Armed Forces Act 2006, the reference in paragraph 70 to the Court Martial Appeals Act 1968 (c. 20) is to be read as a reference to the Courts-Martial (Appeals) Act 1968 (c. 20).

*Vulnerable and intimidated witnesses*

- 23 (1) The amendments made by sections 98 to 103 apply to proceedings instituted before the commencement of the amendment in question.
- (2) But the amendments made by sections 98 to 103 do not affect the continued operation of a special measures direction given before the commencement of the amendment in question.
- (3) Sub-paragraph (2) does not prevent an amendment made by sections 98 to 103 from applying after its commencement to—
- (a) the variation under section 20 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) of a special measures direction that was given in relation to a witness before the commencement of the amendment, and
  - (b) the giving of a new special measures direction in relation to a witness (including the giving of a new direction in a case where a special measures direction given in relation to the witness in question has been discharged under section 20 of the Youth Justice and Criminal Evidence Act 1999 after the commencement of the amendment).
- (4) In this paragraph, “special measures direction” means a direction under section 19 of the Youth Justice and Criminal Evidence Act 1999.

**Commencement Information**

**I210** Sch. 22 para. 23 in force at 27.6.2011 by S.I. 2011/1452, art. 2(h)

- 24 The references in paragraphs 30 and 31 of Schedule 1A to the Youth Justice and Criminal Evidence Act 1999 (inserted by Schedule 14 to this Act) to an offence under Part 2 of the Serious Crime Act 2007 (c. 27) include a reference to the common law offence of incitement.

**Commencement Information**

**I211** Sch. 22 para. 24 in force at 27.6.2011 by S.I. 2011/1452, art. 2(h)

*Evidence of previous complaint*

- 25 Section 112 does not have effect in relation to trials or hearings begun before the commencement of that section.

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#### Commencement Information

**I212** Sch. 22 para. 25 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(c)

#### *Indictment of offenders*

- 26 (1) For the purposes of any proceedings before a court (including proceedings on an appeal to the court) after the passing of this Act, the amendments in subsections (1) and (2) of section 116 are to be deemed always to have had effect.
- (2) For the purposes of sub-paragraph (1), it is immaterial whether the proceedings were begun before or after the passing of this Act.

### PART 4

#### SENTENCING

#### *Sentencing Council for England and Wales*

- 27 (1) Nothing in section 125 or 126 has effect in relation to the sentencing of persons for offences committed before the commencement of the section in question.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.

#### Commencement Information

**I213** Sch. 22 para. 27 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 21(d)

- 28 (1) Without prejudice to the generality of section 177, an order under subsection (3) of that section made by the Lord Chancellor may provide—
- (a) for the Sentencing Council for England and Wales to exercise any function conferred on the Sentencing Guidelines Council by any provision of Chapter 1 of Part 12 of the Criminal Justice Act 2003 (c. 44) pending the repeal of the provision in question by this Act;
  - (b) for existing guidelines which have effect immediately before the coming into force of section 125(1) to be treated as guidelines issued by the Sentencing Council for England and Wales under this Act;
  - (c) that, in relation to the sentencing of persons for offences committed before the coming into force of section 125(1), any provision of Chapter 1 of Part 12 of the Criminal Justice Act 2003 repealed by this Act continues to have effect with such modifications as are specified in the order.
- (2) “Existing guidelines” means—
- (a) sentencing or allocation guidelines issued as definitive guidelines under section 170 of the Criminal Justice Act 2003;
  - (b) guidelines with respect to sentencing which were included in any judgment of the Court of Appeal given before 27 February 2004 and have not been superseded by sentencing guidelines so issued.



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**Commencement Information**

**I214** Sch. 22 para. 28 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(d)

*Driving disqualification*

- 29 (1) No provision of Schedule 16 applies in relation to, or has effect by reference to, offences committed wholly or partly before the commencement of the provision in question.
- (2) An offence is partly committed before the commencement of a provision if—
- (a) a relevant event occurs before commencement, and
  - (b) another relevant event occurs on or after commencement.
- (3) “Relevant event” in relation to an offence means any act or other event (including any consequence of an act) proof of which is required for conviction of the offence.

**Commencement Information**

**I215** Sch. 22 para. 29 in force at 13.4.2015 by S.I. 2015/819, art. 2(c)

- 30 (1) During the transitory period, the Road Traffic Offenders Act 1988 (c. 53) has effect with the amendments made by paragraphs 31 to 33.
- (2) The transitory period is—
- (a) in the case of paragraph 31 or 32, the period beginning with the coming into force of the paragraph and ending with the coming into force of section 35 of the Road Safety Act 2006 (c. 49) (which substitutes sections 34A to 34C of the Road Traffic Offenders Act 1988 (c. 53));
  - (b) in the case of paragraph 33, the period beginning with the coming into force of the paragraph and ending with the coming into force of paragraph 44(2) of Schedule 3 to the Road Safety Act 2006.

**Commencement Information**

**I216** Sch. 22 para. 30 in force at 13.4.2015 by S.I. 2015/819, art. 2(c)

- 31 In section 34A (reduced disqualification period for attendance on courses)—
- (a) in subsection (1)(b), after “months” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
  - (b) in subsection (2), after “section 34” insert “ (disregarding any extension period added pursuant to section 35A or 35C) (“the unreduced period”) ”,
  - (c) in subsection (3), after “section 34”, in both places it occurs, insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
  - (d) after that subsection insert—
- “(3A) The reduced period” is the period of disqualification imposed under section 34 of this Act (disregarding any extension period added pursuant to section 35A or 35C) as reduced by an order under this section.”, and

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- (e) in subsection (5), at the end insert “ but including any extension period added pursuant to section 35A or 35C. ”

**Commencement Information**

**I217** Sch. 22 para. 31 in force at 13.4.2015 by S.I. 2015/819, art. 2(c)

- 32 In section 34B (certificates of completion of courses)—
- (a) in subsection (1), for “period of disqualification imposed under section 34” substitute “ total unreduced period of disqualification ”,
- (b) in subsection (2)—
- (i) for “period of disqualification imposed under section 34” substitute “ total unreduced period of disqualification ”,
- (ii) for “end of the period as it would have been reduced by the order” substitute “ total reduced period of disqualification ”, and
- (iii) for “reduced period” substitute “ total reduced period of disqualification ”, and
- (c) after that subsection insert—

“(2A) For the purposes of this section—

“the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under section 34A;

“the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”

**Commencement Information**

**I218** Sch. 22 para. 32 in force at 13.4.2015 by S.I. 2015/819, art. 2(c)

- 33 In section 47(2) (supplementary provisions as to disqualification and endorsement) after “or more” insert “ (disregarding any extension period) ”.

**Commencement Information**

**I219** Sch. 22 para. 33 in force at 13.4.2015 by S.I. 2015/819, art. 2(c)

- 34 (1) Sub-paragraph (2) applies where an order (“the amending order”) under section 49(1) (b) of the Criminal Justice Act 1991 (c. 53) (alteration by order of relevant proportions of sentences) provides that the proportion of a prisoner's sentence is to be construed as a reference to another proportion (“the new proportion”).
- (2) The Secretary of State may by order provide that the proportion specified in section 35A(4)(h) of the Road Traffic Offenders Act 1988 (c. 53) (as inserted by Schedule 16) and section 147A(4)(h) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (as inserted by that Schedule) is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.

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**Commencement Information**

**I220** Sch. 22 para. 34 in force at 13.4.2015 by S.I. 2015/819, art. 2(c)

PROSPECTIVE

<sup>F55</sup>35 .....

**Textual Amendments**

**F55** Sch. 22 para. 35 omitted (28.4.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\)](#), ss. **142(11)**, 208(4)(q)

PROSPECTIVE

<sup>F56</sup>36 .....

**Textual Amendments**

**F56** Sch. 22 para. 36 omitted (28.4.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(2022 c. 32\)](#), ss. **142(11)**, 208(4)(q)

*Dangerous offenders*

- 37 (1) The amendments made by section 138 have effect in relation only to offences committed on or after the day that section comes into force.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.
- 38 (1) The amendments made by section 139 have effect in relation only to offences committed on or after the day that section comes into force.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.

**Commencement Information**

**I221** Sch. 22 para. 38 in force at 12.1.2010 by S.I. 2010/28, art. 2

*Confiscation orders*

- 39 The amendments made by sections 140 and 141 (appeals against certain confiscation orders) apply to appeals which are pending when this Act is passed (as well as appeals made after that time).

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#### Commencement Information

**I222** Sch. 22 para. 39 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), Sch. para. 26(e)

## PART 5

### MISCELLANEOUS

#### *Treatment of convictions in other member States etc*

- 40 No provision of paragraph 1, 2 or 13 to 18 of Schedule 17 has effect in relation to trials or hearings begun before the commencement of that provision.

#### Commencement Information

**I223** Sch. 22 para. 40 in force at 15.8.2010 for specified purposes by S.I. 2010/1858, art. 3(e)

**I224** Sch. 22 para. 40 in force at 18.4.2011 for specified purposes for N.I. by S.R. 2011/182, art. 2(e)

- 41 (1) No provision of paragraph 6, 8, 10 or 12 of that Schedule has effect in relation to any sentence passed in relation to a conviction for an offence committed before the coming into force of that provision.
- (2) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.

#### Commencement Information

**I225** Sch. 22 para. 41 in force at 15.8.2010 for specified purposes by S.I. 2010/1858, art. 3(e)

- 42 (1) No provision of paragraph 7, 9 or 11 of that Schedule has effect in relation to any sentence passed in relation to a conviction for a service offence committed before the coming into force of that provision.
- (2) Where a service offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of sub-paragraph (1) to have been committed on the last of those days.
- (3) For the purposes of this paragraph—
- “service offence” has the meaning given in section 50(2) of the Armed Forces Act 2006 (c. 52), and
  - subsections (1) to (3) of section 376 of that Act apply as they apply in relation to that Act.

#### Commencement Information

**I226** Sch. 22 para. 42 in force at 15.8.2010 for specified purposes by S.I. 2010/1858, art. 3(e)

*Status: Point in time view as at 10/03/2022.*

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### *Transfer of functions to Parole Board*

F57 43 .....

#### **Textual Amendments**

**F57** Sch. 22 para. 43 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 16 para. 21(b)**; S.I. 2012/2906, art. 2(n)

### *Knives in court buildings etc*

- 44 (1) No provision of section 146 has effect in relation to property which was surrendered or seized before the coming into force of that provision.
- (2) No provision of section 147 has effect in relation to property which was surrendered or seized before the coming into force of that provision.

#### **Commencement Information**

**I227** Sch. 22 para. 44 in force at 6.4.2010 by S.I. 2010/816, art. 2, **Sch. para. 21(e)**

### *Criminal memoirs etc*

- 45 Until both sections 22(1) and 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26) come into force the reference in section 161(3)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.

#### **Commencement Information**

**I228** Sch. 22 para. 45 in force at 6.4.2010 by S.I. 2010/816, art. 2, **Sch. para. 21(f)**

### *Assessment notices*

- 46 Until paragraph 8 of Schedule 4 to the Courts Act 2003 (c. 39) comes into force paragraph 1(1A) of Schedule 9 to the Data Protection Act 1998 (c. 29) (as inserted by paragraph 14(2) of Schedule 20 to this Act) has effect as if the words “or a District Judge (Magistrates' Courts)” were omitted.

#### **Commencement Information**

**I229** Sch. 22 para. 46 in force at 6.4.2010 by S.I. 2010/816, art. 2, **Sch. para. 21(g)**

### *Assessment of dangerousness and service offences*

- 47 Nothing in paragraph 95 of Schedule 21 has effect in relation to any person sentenced under section 225, 226, 227 or 228 of the Criminal Justice Act 2003 (c. 44) before the passing of this Act.

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## SCHEDULE 23

Section 178

## REPEALS

## PART 1

## CORONERS ETC

**Commencement Information**

**I230** Sch. 23 Pt. 1 in force at 12.2.2013 for specified purposes by S.I. 2013/250, art. 2(b)

**I231** Sch. 23 Pt. 1 in force at 25.7.2013 for specified purposes by S.I. 2013/1869, art. 2(p) (with art. 3)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Births and Deaths Registration Act 1953 (c. 20)	In section 20, from “, at any time” to “of any person,”. Section 21. Section 23A(6). In section 29(4), paragraph (b) and the “or” preceding it. Section 34(4).
Coroners Act (Northern Ireland) 1959 (c. 15)	Section 19. Section 20.
Juries Act 1974 (c. 23)	Section 22(1).
Magistrates' Courts Act 1980 (c. 43)	In Schedule 6A, the entry relating to the Coroners Act 1988.
Coroners Act 1988 (c. 13)	The whole Act.
Caldey Island Act 1990 (c. 44)	Section 3. In section 4(1), paragraph (c).
Local Government (Wales) Act 1994 (c. 19)	In Schedule 17, paragraph 23.
Treasure Act 1996 (c. 24)	Section 13.
Access to Justice Act 1999 (c. 22)	Section 71. Section 104(1). In Schedule 2, in paragraph 2, the “and” following paragraph (3).
Regional Assemblies (Preparations) Act 2003 (c. 10)	In the Schedule, paragraph 2.
Courts Act 2003 (c. 39)	In Schedule 8, paragraph 302.
Criminal Justice Act 2003 (c. 44)	In Schedule 3, paragraph 59.
Domestic Violence, Crime and Victims Act 2004 (c. 28)	In Schedule 10, paragraphs 26 and 27.

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Human Tissue Act 2004 (c. 30)	In Schedule 6, paragraph 3.
Constitutional Reform Act 2005 (c. 4)	In Schedule 1, paragraphs 19 to 21. In Schedule 4, paragraphs 193 to 195. In Schedule 7, in paragraph 4, the entry in Part A relating to the Coroners Act 1988.
Road Safety Act 2006 (c. 49)	Section 20(5). Section 21(4).
Armed Forces Act 2006 (c. 52)	In Schedule 16, paragraphs 110 and 111.
Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)	In Schedule 2, paragraph 1.
Local Government and Public Involvement in Health Act 2007 (c. 28)	In Schedule 1, paragraph 15.

## PART 2

### CRIMINAL OFFENCES

#### Commencement Information

- I232** Sch. 23 Pt. 2 in force at 1.2.2010 for specified purposes by S.I. 2010/145, art. 2(2), Sch. para. 27(a) (as amended (29.1.2010) by S.I. 2010/186, art. 2)
- I233** Sch. 23 Pt. 2 in force at 4.10.2010 for specified purposes by S.I. 2010/816, art. 5(g) (with art. 7) (as amended (11.3.2011) by S.I. 2011/722, art. 2)
- I234** Sch. 23 Pt. 2 in force at 1.6.2011 for specified purposes for N.I. by S.R. 2011/182, art. 3(g)
- I235** Sch. 23 Pt. 2 partly in force; Sch. 23 Pt. 2 in force at 12.1.2010 for specified purposes, see s. 182(2)(e)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Libel Act 1792 (c. 60)	The whole Act.
Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8)	In section 1, from “, or any seditious libel” to “means”.
Libel Act 1843 (c. 96)	Sections 4 to 6.
Newspaper Libel and Registration Act 1881 (c. 60)	In section 4, from “as to the publication” to “malice, and”.
Law of Libel Amendment Act 1888 (c. 64)	Sections 3 and 4.

#### Notes

- 1 The repeal of the Libel Act 1792 (c. 60), the repeal in section 1 of the Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8), the repeal of section 17(2) of the Defamation Act 1952 (c. 66), the repeal of section 20(2) of the Defamation Act 1996 and the repeals in section 10 of the Legal Deposit Libraries Act 2003 do not extend to Scotland.
- 2 The repeal of section 4 of the Law of Libel Amendment Act 1888 (c. 64) and the repeal of section 20(2) of the Defamation Act 1996 do not extend to Northern Ireland.

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Defamation Act 1952 (c. 66)	Section 17(2).
Homicide Act 1957 (c. 11)	Section 3.
Suicide Act 1961 (c. 60)	In Schedule 1— (a) in Part 1, the entry relating to the Children and Young Persons Act 1933, and (b) in Part 2, the entry relating to section 7 of the Visiting Forces Act 1952.
Criminal Justice Act (Northern Ireland) 1966 (c. 20)	Section 7.
Theatres Act 1968 (c. 54)	In section 4(1), from “(including” to “matter””. In section 7(2), from “or an offence” to “course of a performance of a play””. In section 8, from “or an offence” to “play””.
Broadcasting Act 1990 (c. 42)	In section 166, from “(including” to “matter””.
Criminal Procedure and Investigations Act 1996 (c. 25)	Section 61(4) and (5).
Defamation Act 1996 (c. 31)	Section 20(2).
Legal Deposit Libraries Act 2003 (c. 28)	In section 10— (a) in subsection (1), “, or subject to any criminal liability,”, (b) in subsection (2)(a), “in the case of liability in damages””, (c) in subsection (3), “, or subject to any criminal liability,”, (d) in subsection (4)(a), “in the case of liability in damages””, (e) in subsection 6(a), “, or subject to any criminal liability,”, and (f) in subsection (8), “and criminal liability””.
Criminal Justice Act 2003 (c. 44)	In Schedule 21, in paragraph 11(d), “in a way not amounting to a defence of provocation””.

*Notes*

- 1 The repeal of the Libel Act 1792 (c. 60), the repeal in section 1 of the Criminal Libel Act 1819 (60 Geo. 3 & 1 Geo. 4 c. 8), the repeal of section 17(2) of the Defamation Act 1952 (c. 66), the repeal of section 20(2) of the Defamation Act 1996 and the repeals in section 10 of the Legal Deposit Libraries Act 2003 do not extend to Scotland.
- 2 The repeal of section 4 of the Law of Libel Amendment Act 1888 (c. 64) and the repeal of section 20(2) of the Defamation Act 1996 do not extend to Northern Ireland.

### PART 3

#### CRIMINAL EVIDENCE AND PROCEDURE

##### Commencement Information

**I236** Sch. 23 Pt. 3 in force at 6.4.2010 for specified purposes by [S.I. 2010/816](#), art. 2, 4(1), [Sch. para. 22\(a\)](#)



*Status: Point in time view as at 10/03/2022.*

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- I237** Sch. 23 Pt. 3 in force at 27.6.2011 for specified purposes by S.I. 2011/1452, art. 2(h)  
**I238** Sch. 23 Pt. 3 in force at 3.10.2011 for specified purposes by S.I. 2011/2148, art. 2(1)(e)  
**I239** Sch. 23 Pt. 3 in force at 8.10.2012 in so far as not already in force by S.I. 2012/2374, art. 3(e)  
**I240** Sch. 23 Pt. 3 partly in force; Sch. 23 Pt. 3 in force at Royal Assent for specified purposes and at 1.1.2010 for further specified purposes, see s. 182(1)(j)(3)(d)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)	In section 2— (a) in subsection (2), from “, and where” to “the bill,”, (b) in subsection (2), from “Provided” to the end, and (c) in subsection (3), “has been signed by the proper officer of the court”. In Schedule 2, in paragraph 1, “and signing”.
Supreme Court Act 1981 (c. 54)	In section 82(1), “the signing of indictments,”.
Police and Criminal Evidence Act 1984 (c. 60)	Section 46ZA(3)(a) and (c). In section 46A(1ZA)(b), from “, without informing” to the end.
Crime and Disorder Act 1998 (c. 37)	Section 1I(3)(c). In section 57C— (a) subsection (7), (b) in subsection (8), “before or”, and (c) in subsection (9), paragraph (a) and the “and” following it. In section 57D— (a) subsection (2)(b), and (b) in subsection (3), paragraph (a) and the “and” following it. In section 57E— (a) in subsection (5), paragraph (a) and the “and” following it, and (b) in subsection (7), paragraph (a) and the “and” following it.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In section 21— (a) subsection (1)(b), (b) in subsection (4), the “and” following paragraph (b), and (c) subsections (5) to (7). Section 22(1)(b). In section 27— (a) in subsection (7)(a), from “if there” to “relevant time,”, (b) subsection (8), and (c) in subsection (9), from “and, if” to the end.

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Criminal Justice Act 2003 (c. 44)	Section 120(7)(d). Section 138(1).
Criminal Evidence (Witness Anonymity) Act 2008 (c. 15)	Sections 1 to 9. Section 10(1) to (7). Section 14.

## PART 4

### SENTENCING

#### Commencement Information

- I241** Sch. 23 Pt. 4 in force at 6.4.2010 for specified purposes by S.I. 2010/816, art. 2, Sch. para. 22(b) (with art. 7) (as amended (11.3.2011) by S.I. 2011/722, art. 2)
- I242** Sch. 23 Pt. 4 partly in force; Sch. 23 Pt. 4 in force at Royal Assent for specified purposes, see s. 182(1)(j)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entries for the Sentencing Advisory Panel and the Sentencing Guidelines Council.
Race Relations Act 1976 (c. 74)	In Part 2 of Schedule 1A, the entry for the Sentencing Advisory Panel.
Criminal Procedure (Scotland) Act 1995 (c. 46)	Section 248C(3).
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the entries for the Sentencing Advisory Panel and the Sentencing Guidelines Council.
Criminal Justice Act 2003	Sections 167 to 173.  In section 176, the definitions of— (a) “allocation guidelines”, (b) “the Council”, (c) “the Panel”, and (d) “sentencing guidelines”.  In Schedule 38, paragraphs 2 and 3 and the italic heading before paragraph 2.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 357 and 358.
Criminal Justice and Immigration Act 2008 (c. 4)	In Schedule 4, paragraph 60(2) and (4).  In Part 1 of Schedule 28, the entries relating to section 160(2) and (5) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

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*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

## PART 5

### MISCELLANEOUS CRIMINAL JUSTICE PROVISIONS

#### Commencement Information

- I243** Sch. 23 Pt. 5 in force at 1.2.2010 for specified purposes by [S.I. 2010/145, art. 2\(1\)\(c\)](#)  
**I244** Sch. 23 Pt. 5 in force at 2.8.2010 for specified purposes by [S.I. 2010/1858, art. 2\(e\)](#)  
**I245** Sch. 23 Pt. 5 in force at 15.8.2010 for specified purposes by [S.I. 2010/1858, art. 3\(f\)](#)  
**I246** Sch. 23 Pt. 5 partly in force; Sch. 23 Pt. 5 in force at Royal Assent for specified purposes, see s. 182(1)(j)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Superannuation Act 1972 (c. 11)	In Schedule 1— (a) in the list headed “Other Bodies”, the entry for employment as a member of the staff of the Commissioner for Victims and Witnesses, and (b) in the list headed “Offices”, the entries for the Commissioner for Victims and Witnesses and the Deputy Commissioner for Victims and Witnesses.
House of Commons Disqualification Act 1975 (c. 24)	In Part 3 of Schedule 1, the entries for the Commissioner for Victims and Witnesses and the Deputy Commissioner for Victims and Witnesses.
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 3 of Schedule 1, the entries for the Commissioner for Victims and Witnesses and the Deputy Commissioner for Victims and Witnesses.
Magistrates' Courts Act 1980 (c. 43)	In section 19(5), the “or” following paragraph (a).
Criminal Justice Act 1991 (c. 53)	Section 37(5) and (6). Section 50.
Criminal Justice and Public Order Act 1994 (c. 33)	In section 25(5), the “and” following the definition of “conviction”.
Crime and Disorder Act 1998 (c. 37)	In Schedule 3, in paragraph 9(5), the “or” following paragraph (a).
Powers of Criminal Courts (Sentencing) Act 2000	In section 113(3), the “and” following the definition of “class A drug trafficking offence”.
Criminal Justice Act 2003 (c. 44)	In section 143(4), the “or” following paragraph (a).
Domestic Violence, Crime and Victims Act 2004 (c. 28)	Section 48(3) to (5). Section 49(2)(d) and (3)(b). Section 50(2). Schedule 8. In Schedule 9, paragraph 9.
Animal Welfare Act 2006 (c. 45)	Section 8(6).
Armed Forces Act 2006 (c. 52)	In section 238(3), the “or” following paragraph (a).

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

F58

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Criminal Justice and Immigration Section 27.  
Act 2008 (c.4)

#### Textual Amendments

**F58** Words in [Sch. 23 Pt. 5](#) repealed (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 5](#); [S.I. 2012/669](#), art. 4(f)(i)

## PART 6

### LEGAL AID

#### Commencement Information

**I247** [Sch. 23 Pt. 6](#) in force at 1.2.2010 in so far as not already in force by [S.I. 2010/145](#), art. 2(2), [Sch. para. 27\(b\)](#) (with art. 3)

**I248** [Sch. 23 Pt. 6](#) partly in force; [Sch. 23 Pt. 6](#) in force at Royal Assent for specified purposes, see s. 182(1)(j)

#### *Short title and chapter*

#### *Extent of repeal*

Access to Justice Act 1999 (c. 22)

Section 2(2).

In section 17(3)(g), from “(including” to the end.

In section 17A(2)(e), from “including” to the end.

In Schedule 2, paragraph 1(h).

In Schedule 3, paragraph 8(5).

## PART 7

### CRIMINAL MEMOIRS ETC

#### Commencement Information

**I249** [Sch. 23 Pt. 7](#) in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 22\(c\)](#)

#### *Short title and chapter*

#### *Extent of repeal*

Serious Organised Crime and Police Act 2005 (c. 15)

In section 3(1), the “or” following paragraph (a).

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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)*

## PART 8

### DATA PROTECTION ACT 1998

#### Commencement Information

**I250** Sch. 23 Pt. 8 in force at 6.4.2010 for specified purposes by S.I. 2010/816, art. 2, Sch. para. 22(d)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Data Protection Act 1998 (c. 29)	In section 16(1), the “and” following paragraph (ff). In section 20(2) “that at any time”. In Schedule 9, the “or” following paragraph 12(a).

## PART 9

### MISCELLANEOUS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Legal Services Act 2007 (c. 29)	In Schedule 23, in the entry for the Constitutional Reform Act 2005 (c. 4), in the second column “1(2),”.
Criminal Justice and Immigration Act 2008 (c. 4)	In Schedule 1, in paragraph 30(1), “the day after”.

**Status:**

Point in time view as at 10/03/2022.

**Changes to legislation:**

Coroners and Justice Act 2009 is up to date with all changes known to be in force on or before 07 July 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.