

## SCHEDULES

### SCHEDULE 13

Section 75

#### JURIES AT INQUESTS

##### *Jurors and electronic communications devices*

1 After section 9 of the Coroners and Justice Act 2009 insert—

##### **“9A Surrender of electronic communications devices by jurors**

- (1) A senior coroner holding an inquest with a jury may order the members of the jury to surrender any electronic communications devices for a period.
- (2) An order may be made only if the senior coroner considers that—
  - (a) the order is necessary or expedient in the interests of justice, and
  - (b) the terms of the order are a proportionate means of safeguarding those interests.
- (3) An order may only specify a period during which the members of the jury are—
  - (a) in the building in which the inquest is being heard,
  - (b) in other accommodation provided at the senior coroner’s request,
  - (c) visiting a place in accordance with arrangements made for the purposes of the inquest, or
  - (d) travelling to or from a place mentioned in paragraph (b) or (c).
- (4) An order may be made subject to exceptions.
- (5) It is a contempt of court for a member of a jury to fail to surrender an electronic communications device in accordance with an order under this section.
- (6) Proceedings for a contempt of court under this section may only be instituted on the motion of a senior coroner having jurisdiction to deal with it.
- (7) In this section, “electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003).

##### **9B Surrender of electronic communications devices: powers of search etc**

- (1) This section applies where an order has been made under section 9A in respect of the members of a jury.

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- (2) A coroners' officer must, if ordered to do so by a senior coroner, search a member of the jury in order to determine whether the juror has failed to surrender an electronic communications device in accordance with the order.
- (3) Subsection (2) does not authorise the officer to require a person to remove clothing other than a coat, jacket, headgear, gloves or footwear.
- (4) If the search reveals a device which is required by the order to be surrendered—
  - (a) the officer must ask the juror to surrender the device, and
  - (b) if the juror refuses to do so, the officer may seize it.
- (5) Subject to subsection (6), a coroners' officer may retain an article which was surrendered or seized under subsection (4) until the end of the period specified in the order.
- (6) If a coroners' officer reasonably believes that the device may be evidence of, or in relation to, an offence, the officer may retain it until the later of—
  - (a) the end of the period specified in the order, and
  - (b) the end of such period as will enable the officer to draw it to the attention of a constable.
- (7) A coroners' officer may not retain a device under subsection (6)(b) for a period of more than 24 hours from the time when it was surrendered or seized.
- (8) The Lord Chancellor may by regulations make provision as to—
  - (a) the provision of written information about coroners' officers' powers of retention to persons by whom devices have been surrendered, or from whom devices have been seized, under this section,
  - (b) the keeping of records about devices which have been surrendered or seized under this section,
  - (c) the period for which unclaimed devices have to be kept, and
  - (d) the disposal of unclaimed devices at the end of that period.
- (9) In this section—
  - “electronic communications device” has the same meaning as in section 9A;
  - “unclaimed device” means a device retained under this section which has not been returned and whose return has not been requested by a person entitled to it.”

- 2 (1) Part 4 of the Courts Act 2003 (court security officers) is amended as follows.
- (2) In section 54A (powers in relation to jurors' electronic communications devices) (inserted by section 70 of this Act)—
  - (a) in subsection (1), after “1974” insert “or section 9A of the Coroners and Justice Act 2009”,
  - (b) in subsection (2), after “judge” insert “or a senior coroner”, and
  - (c) for subsection (5) substitute—
    - “(5) In this section—

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“electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003);

“senior coroner” has the same meaning as in the Coroners and Justice Act 2009.”

- (3) In section 55(1A) (powers to retain articles surrendered or seized) (inserted by section 70 of this Act), after “1974” insert “or section 9A of the Coroners and Justice Act 2009”.

*Offences relating to research by jurors etc*

- 3 Part 1 of Schedule 6 to the Coroners and Justice Act 2009 (offences relating to jurors at inquests) is amended as follows.

- 4 Before paragraph 1 insert—

*“Serving while disqualified, failure to attend etc”.*

- 5 After paragraph 5 insert—

*“Research by jurors*

- 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.
- (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.

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

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- (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 sub-paragraphs (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.”

*Offence relating to jury’s deliberations*

- 6 In Schedule 6 to the Coroners and Justice Act 2009 (offences relating to inquests), after Part 1 insert—

**“PART 1A**

OFFENCE RELATING TO JURY’S DELIBERATIONS

**5D Offence**

- (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).

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

### 5E Initial exceptions

- (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.

### 5F Further exceptions

- (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—

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- (a) a member of a police force;
  - (b) the Attorney General’s Office;
  - (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;

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“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;
- (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.

### **5G Exceptions for soliciting disclosures or obtaining information**

- (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.”

### *Saving for contempt of court*

- 7 In Part 3 of Schedule 6 to the Coroners and Justice Act 2009 (offences relating to inquests: miscellaneous), at the end insert—
  - “11 Nothing in paragraph 5A, 5B or 5C affects what constitutes contempt of court at common law.”