



Health and Care Act 2022

2022 CHAPTER 31

PART 6

MISCELLANEOUS

Medical examiners

169 Medical examiners

(1) After section 18 of the Coroners and Justice Act 2009 insert—

“18A Medical examiners: England

- (1) An English NHS body may appoint persons as medical examiners to discharge in England the functions conferred on medical examiners by or under this Chapter.
- (2) The Secretary of State must take such steps as the Secretary of State considers appropriate for the purpose of ensuring—
 - (a) that enough medical examiners are appointed under subsection (1) to enable those functions to be discharged in England,
 - (b) that the funds and other resources that are made available to such medical examiners are enough to enable those functions to be discharged in England, and
 - (c) that the performance of such medical examiners is monitored by reference to any standards or levels of performance that they are expected to attain.
- (3) For the purposes of discharging the duty in subsection (2), the Secretary of State may give a direction to an English NHS body—
 - (a) requiring the body to appoint or arrange for the appointment of one or more medical examiners,

Status: This is the original version (as it was originally enacted).

- (b) about the funds or other resources to be made available to a medical examiner employed by an English NHS body,
- (c) about the steps to be taken by the body to monitor the performance of such a medical examiner, or
- (d) about the steps to be taken by the body to monitor the performance of functions by an English NHS body in relation to such a medical examiner.

(4) In this section “English NHS body” means—

- (a) NHS England,
- (b) an integrated care board established under section 14Z25 of the National Health Service Act 2006,
- (c) a National Health Service trust established under section 25 of that Act,
- (d) a Special Health Authority established under section 28 of that Act, or
- (e) an NHS foundation trust within the meaning of section 30 of that Act.

18B Medical examiners: Wales

(1) A Welsh NHS body may appoint persons as medical examiners to discharge in Wales the functions conferred on medical examiners by or under this Chapter.

(2) The Welsh Ministers must take such steps as the Welsh Ministers consider appropriate for the purpose of ensuring—

- (a) that enough medical examiners are appointed under subsection (1) to enable those functions to be discharged in Wales,
- (b) that the funds and other resources that are made available to such medical examiners are enough to enable those functions to be discharged in Wales, and
- (c) that the performance of such medical examiners is monitored by reference to any standards or levels of performance that they are expected to attain.

(3) In this section “Welsh NHS body” means—

- (a) a Local Health Board,
- (b) a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006, or
- (c) a Special Health Authority established under section 22 of that Act.”

(2) In section 19 of that Act (medical examiners)—

- (a) in the heading, after “examiners” insert “: supplementary”;
- (b) omit subsections (1) and (2);
- (c) in subsection (5)—
 - (i) after “Nothing in” insert “section 18A or 18B or”;
 - (ii) for “a local authority or a Local Health Board” substitute “an English NHS body (as defined by section 18A) or a Welsh NHS body (as defined by section 18B)”.

(3) In section 20 of that Act (medical certificate of cause of death), in subsection (5), for “a local authority or Local Health Board” substitute “an English NHS body (as defined by section 18A) or a Welsh NHS body (as defined by section 18B)”.

Status: This is the original version (as it was originally enacted).

- (4) In section 48 of that Act (interpretation: general), in subsection (1), in the definition of “medical examiner”, for “section 19” substitute “section 18A or 18B”.
- (5) In section 41 of the Births and Deaths Registration Act 1953 (interpretation), in subsection (1), in the definition of “medical examiner”, for “means a person appointed under section 19” substitute “has the meaning given by section 48(1)”.
- (6) In the Health and Social Care Act 2012 omit section 54 (which inserted references to local authorities into sections 19 and 20 of the Coroners and Justice Act 2009).