



Judicial Review and Courts Act 2022

2022 CHAPTER 35

PART 2

COURTS, TRIBUNALS AND CORONERS

CHAPTER 4

CORONERS

39 Discontinuance of investigation where cause of death becomes clear

- (1) Section 4 of the Coroners and Justice Act 2009 (discontinuance of investigation where cause of death revealed by post-mortem examination) is amended as set out in subsections (2) and (3).
- (2) In the heading, for “revealed by post-mortem examination” substitute “becomes clear before inquest”.
- (3) In subsection (1), for paragraph (a) substitute—
 - “(a) the coroner is satisfied that the cause of death has become clear in the course of the investigation,
 - (aa) an inquest into the death has not yet begun, and”.
- (4) In the following provisions of the Births and Deaths Registration Act 1953, for “revealed by post-mortem examination” substitute “becoming clear before inquest”—
 - (a) in section 2(1), paragraph (ii) of the proviso;
 - (b) in section 16(3), paragraph (ii) of the proviso;
 - (c) in section 17(3), paragraph (ii) of the proviso;
 - (d) section 29(3B).
- (5) In section 273(2)(a) of the Merchant Shipping Act 1995, for “revealed by post-mortem examination” substitute “becoming clear before inquest”.

- (6) In Schedule 21 to the Coroners and Justice Act 2009 (which, among other things, makes amendments to the Births and Deaths Registration Act 1953 that have yet to come into force)—
- (a) in paragraph 10(5), in the inserted subsection (2)(b), for “revealed by post-mortem examination” substitute “becoming clear before inquest”;
 - (b) in paragraph 11(2), in the substituted section (A1)(b), for “revealed by post-mortem examination” substitute “becoming clear before inquest”;
 - (c) in paragraph 16(2), in the substituted paragraph (a), for the words from “there has” to “the death,” substitute “—
 - (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),”.

40 Power to conduct non-contentious inquests in writing

- (1) The Coroners and Justice Act 2009 is amended as follows.
- (2) After section 9B insert—

“9C Inquests without jury to be conducted at hearing or in writing

- (1) Where an inquest into a death is to be held without a jury, the inquest is to be held—
 - (a) at a hearing, or
 - (b) if the senior coroner decides that a hearing is unnecessary, in writing.
- (2) The senior coroner is not to decide that a hearing is unnecessary unless—
 - (a) the coroner has invited representations from each interested person known to the coroner,
 - (b) no interested person has represented on reasonable grounds that a hearing should take place,
 - (c) it appears to the coroner that there is no real prospect of disagreement among interested persons as to the determinations or findings that the inquest could or should make, and
 - (d) it appears to the coroner that no public interest would be served by a hearing.”
- (3) In section 10(1) (determinations and findings required at inquest), for “hearing the evidence at” substitute “considering the evidence given to”.
- (4) In section 45(2) (provision that may be made in Coroners rules), in paragraph (e), for “at” substitute “in the course of”.
- (5) In section 47(2) (interested persons), in paragraph (l), after “attend” insert “or follow”.
- (6) In paragraph 11 of Schedule 1 (resumption of inquests after adjournment)—
 - (a) in sub-paragraph (2), for “The following provisions” substitute “Sub-paragraphs (3) and (4)”;
 - (b) after sub-paragraph (4) insert—

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

“(5) Where an inquest is resumed under this paragraph without a jury (whether or not it had one before the adjournment), the senior coroner must consider, in accordance with section 9C, whether the resumed inquest is to be held at a hearing or in writing.”

41 Use of audio or video links at inquests

- (1) Section 45 of the Coroners and Justice Act 2009 (Coroners rules) is amended as follows.
- (2) In subsection (2) (examples of provision that may be contained in Coroners rules), after paragraph (e) insert—
 - “(ea) provision for or in connection with the conduct of hearings wholly or partly by way of electronic transmission of sounds or images;”.
- (3) After subsection (2) insert—
 - “(2A) Coroners rules that provide for members of a jury to take part in a hearing by way of electronic transmission of sounds or images must provide for all members of the jury to take part in that way while present at the same place.”

42 Suspension of requirement for jury at inquest where coronavirus suspected

- (1) In section 7 of the Coroners and Justice Act 2009 (whether inquest to be held with jury), after subsection (4) insert—
 - “(5) But COVID-19 is not a notifiable disease for the purposes of subsection (2)(c).”
- (2) The amendment made by subsection (1) has effect in relation to any inquest opened on or after the day on which this section comes into force (regardless of the date of death).
- (3) The inserted subsection expires at the end of the period of two years beginning with the day on which this section comes into force, subject to regulations under subsection (6).
- (4) Before the expiry day, the Lord Chancellor must assess the likely effects of the expiry of the inserted subsection on the coronial system.
- (5) Subsection (6) applies if, having carried out that assessment, the Lord Chancellor considers that it would be expedient for the inserted subsection to continue in force beyond the expiry day.
- (6) The Lord Chancellor may, at any time before the inserted subsection expires, make regulations providing for the inserted subsection—
 - (a) not to expire when it would otherwise expire, but
 - (b) to expire at the end of such later day as is specified in the regulations.
- (7) The day specified under subsection (6)(b) may not be later than two years after the expiry day as it stands immediately before the making of the regulations.
- (8) Regulations under subsection (6) are subject to affirmative resolution procedure (see section 49(3)).
- (9) Subsection (2) expires when the inserted subsection expires.

But the expiry of the inserted subsection does not affect any inquest opened while the inserted subsection was in force.

(10) In this section—

“the inserted subsection” means subsection (5) of section 7 of the Coroners and Justice Act 2009, as inserted by subsection (1);

“the expiry day” means the day at the end of which the inserted subsection is for the time being due to expire (whether by virtue of subsection (3) or regulations under subsection (6)).

(11) In the Coronavirus Act 2020, omit section 30 (suspension of requirement for jury at inquest where coronavirus suspected).

(12) The repeal made by subsection (11) does not affect any inquest opened while the repealed section was in force.

43 Phased transition to new coroner areas

In Schedule 22 to the Coroners and Justice Act 2009 (transitional provision etc), after paragraph 1 insert—

“1A An order under paragraph 2 of Schedule 2 (alteration of coroner areas) may combine two or more coroner areas each of which—

- (a) is wholly within the area of the same local authority, and
- (b) is specified in either—
 - (i) the transitional order, or
 - (ii) an earlier order made by virtue of this paragraph,
 without the resulting coroner area having to satisfy paragraph 1(2) of that Schedule.”

44 Provision of information to registrar when investigation discontinued

In section 23 of the Births and Deaths Registration Act 1953 (furnishing of information by coroner in connection with registration of death), after subsection (3) insert—

“(4) Where a senior coroner—

- (a) discontinues an investigation under section 4 of the 2009 Act,
- (b) authorises the disposal of the body, and
- (c) sends to the registrar, on request by the registrar, a certificate stating any 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, so far as they are not already registered.”