EXPLANATORY NOTE

(This note is not part of the Rules)

Section 8 of the Coroners Act 1988 gives the coroner power to summon a jury in a case where an inquest is to be held with a jury. Rule 51 of the Coroners Rules 1984 ("the 1984 Rules") makes provision for excusal from jury service. This provision is in many respects similar to the arrangements for excusal from jury service in the Crown Court, the High Court and county courts under section 9 of the Juries Act 1974 ("the 1974 Act") which has been amended by paragraphs 3 to 6 of Schedule 33 to the Criminal Justice Act 2003.

The changes made by these Rules are intended to amend the 1984 Rules so that, so far as appropriate, they reflect the arrangements for excusal from jury service which will exist under the amended provisions of the 1974 Act. The effect of the new rule 51 as set out in rule 4 of these Rules is that:

(a) the reference in the previous rule 51(1) to excusal of persons listed in Part III of Schedule 1 to the 1974 Act is removed since that Part of that Schedule is now repealed;

(b) there is specific provision (new paragraph (2)) for the excusal of members of the armed forces where the commanding officer of the person summoned certifies that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty;

(c) there is specific provision (new paragraphs (4) and (5)) for the excusal of a coroner (which by virtue of rule 2 of the 1984 Rules includes a deputy or assistant deputy coroner) where he is summoned to be a member of a jury at an inquest in the area for which he has been appointed or the district to which he has been assigned;

(d) there is a new provision (new paragraph (8)) providing the coroner with a residual discretion to excuse individuals from serving on a coroners jury (similar to that conferred by section 9(4) of the 1974 Act on the Crown Court, the High Court or a county court).

The changes made by rules 2 and 4 of these Rules are consequential to the changes made by rule 3.