

2004 No. 921

CORONERS, ENGLAND AND WALES

The Coroners (Amendment) Rules 2004

Made - - - - *25th March 2004*

Coming into force - - *5th April 2004*

The Lord Chancellor, in exercise of the powers conferred upon him by section 32 of the Coroners Act 1988 (a) and with the concurrence of the Secretary of State, hereby makes the following Rules:

Citation and commencement

1.—(1) These Rules may be cited as the Coroners (Amendment) Rules 2004 and shall come into force on 5th April 2004.

(2) In relation to a summons issued under section 8 of the Coroners Act 1988 before 5th April 2004, any question as to the eligibility for, or disqualification or excusal from, jury service of the person summoned is to be determined by reference to the provisions of section 1 of and Schedule 1 to the Juries Act 1974 (b) and to the provisions of rule 51 of the Coroners Rules 1984 (c) as in force before that date.

Amendments to the Coroners Rules 1984

2. In rule 46 of the Coroners Rules 1984 (Notice to accompany summons) for “Rules 51(1) and 52” there shall be substituted “Rules 51 and 52”.

3. For rule 51 of the Coroners Rules 1984 (Excusal for certain persons and discretionary excusal) there is substituted —

“**51.**—(1) If any person summoned under section 8 of the 1988 Act (d) shows to the satisfaction of the appropriate officer that there is good reason why he should be excused from attending in pursuance of the summons, the appropriate officer may, subject to the following provisions of this rule, excuse him from so attending.

(2) Without prejudice to paragraph (1) above, the appropriate officer shall excuse a full-time serving member of Her Majesty’s naval, military or air forces from attending in pursuance of a summons if that member’s commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty.

(a) 1988 c.13.

(b) 1974 c. 23.

(c) S.I. 1984/552, to which relevant amendments have been made by the Coroners (Amendment) Rules 1999 (S.I. 1999/3325); the Coroners Rules 1984 have effect as if made under section 32 of the Coroners Act 1988 by virtue of section 17(2)(b) of the Interpretation Act 1978 (c.30).

(d) As amended by section 71(2) of the Access to Justice Act 1999 (c. 22).

(3) Paragraph (2) above does not affect the application of paragraph (1) above to a full-time serving member of Her Majesty's naval, military or air forces in a case where he is not entitled to be excused under paragraph (2).

(4) Without prejudice to paragraph (1) above, where a person summoned under section 8 of the 1988 Act is a coroner, the appropriate officer shall excuse him from attending in pursuance of that summons if it was issued in relation to the area for which he has been appointed coroner under section 1(1) of the 1988 Act (a), deputy or assistant deputy coroner under section 6 of that Act, or in relation to which he is acting as coroner under section 5(3) of that Act.

(5) In the case of a coroner appointed for such an area as is mentioned in section 1(1)(c) or 1(1)(d) of the 1988 Act which has been divided into coroners' districts pursuant to section 4(2) of that Act (b), the reference in paragraph (4) above to the area for which he has been appointed shall be construed as a reference to the district to which he has been assigned under section 4(4) of that Act.

(6) Paragraph (4) above does not affect the application of paragraph (1) above to a coroner in a case where he is not entitled to be excused under paragraph (4).

(7) Without prejudice to the preceding provisions of this rule, the coroner before whom a person is summoned to attend under section 8 of the 1988 Act may excuse that person from so attending."

4. In Schedule 4 to the Coroners Rules 1984, in Form 5, for the words from "3. YOU ARE ENTITLED" to the end of that sentence there is substituted —

"3. YOU ARE ENTITLED TO BE EXCUSED if you fall within any of the categories of persons described in Rule 51(2) or (4) of the Coroners Rules 1984** (although you may serve if you want to)."

Department for Constitutional Affairs
17th March 2004

Filkin
Parliamentary Under-Secretary of State

I concur,

Home Office
25th March 2004

Paul Goggins
Parliamentary Under-Secretary of State

(a) As substituted by regulation 2(2) of the Local Government Reorganisation (Amendment of Coroners Act 1988) Regulations 1996 (S.I. 1996/655) and subsequently amended by regulation 2(2) of the Local Government Reorganisation (Amendment of Coroners Act 1988) Regulations 1998 (S.I. 1998/465).

(b) Section 4 of the 1988 Act has been amended, so far as relevant, by section 66(6) of, and paragraph 82(4) of Schedule 16 to, the Local Government (Wales) Act 1994 (c. 19).

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.

STATUTORY INSTRUMENTS

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