

**EXPLANATORY MEMORANDUM TO  
THE CORONERS (INQUESTS) RULES 2013**

**2013 No. 1616**

1. This explanatory memorandum has been prepared by the Ministry of Justice ('the Department') and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The Coroners (Inquests) Rules 2013 regulate the practice and procedure at, or in connection with, inquests which form part of an investigation into a death held under Part 1 of the Coroners and Justice Act 2009 ('the 2009 Act').
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Context**
  - 4.1 The legislation governing coroner inquests is currently the Coroners Act 1988 and the Coroners Rules 1984 (as amended). The majority of the Coroners Act 1988 will be repealed and the Coroners Rules 1984 automatically revoked when Part 1 of the 2009 Act and its subordinate legislation come into force.
  - 4.2 Part 1 of the 2009 Act makes a number of changes to the coroner system, including the appointment of a Chief Coroner to provide national leadership to coroners in England and Wales and the new concept of a coroner's 'investigation' into a death (of which the inquest will form part). Section 45 of the Act allows the Lord Chief Justice, with the agreement of the Lord Chancellor, to make rules governing the practice and procedure at or in connection with the inquest part of a death investigation. This is the first time the power is being used.
  - 4.3 These rules should be read alongside the Coroners (Investigations) Regulations 2013 and the Coroners Allowances, Fees and Expenses Regulations 2013, which have been laid at the same time.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England and Wales.
6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- What is being done and why

7.1 The policy objectives of the coroner reforms in the 2009 Act are to:

- put the needs of bereaved people at the heart of the coroner system;
- retain local coroner services but within a new national framework of standards and with national leadership; and
- enable a more efficient system of investigations and inquests.

7.2 The Coroners (Inquests) Rules 2013 are drafted with these intentions in mind. They update relevant provisions in the Coroners Rules 1984 ('the 1984 Rules'), putting particular emphasis on coroners providing better information to bereaved relatives and other interested persons, including a new requirement on a coroner to disclose relevant documents in advance of the inquest hearing.

7.3 The new rules clarify the current provisions relating to evidence at inquests, and formally recognise that coroners can accept evidence given by video-link or from behind a screen, where appropriate. The new rules also update the terminology of the old 1984 Rules to reflect the 2009 Act, with the coroner or jury making a 'determination' and 'findings' at the end of the inquest (rather than reaching a 'verdict') and competing the 'record' of the inquest, rather than an 'inquisition'.

- Consolidation

7.4 As noted above, the Coroners (Inquests) Rules and the Coroners (Investigations) Regulations will replace the 1984 rules, which will be automatically be revoked when the majority of the Coroners Act 1988 is repealed.

## **8. Consultation outcome**

8.1 The Department has consulted on new the rules and regulations to be made under the 2009 Act. The consultation ran from 1 March to 12 April 2013. The Department received almost 300 responses to the consultation, principally from coroners, local authorities and bereavement support groups, and has made a number of changes to the regulations as a result of these. A full response to the consultation can be found at: <https://consult.justice.gov.uk/digital-communications/coroner-reforms>.

## **9. Guidance**

9.1 Guidance has been issued to coroners and local authorities on Part 1 of the 2009 Act and the new rules and regulations.

**10. Impact**

10.1 There is no impact on business, charities, voluntary bodies or the public sector.

**11. Regulating small business**

11.1 These changes will have no impact on small businesses.

**12. Monitoring & review**

12.1 The Department intends to review the impact of the new rules, and Part 1 of the 2009 Act more generally, 18 months after the provisions come into effect.

**13. Contact**

Dominic Smales or Elizabeth Knapp at the Department can answer any queries regarding the instrument.

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