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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular as described in paragraph (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends the Inquiries Act 2005 (c.12) (“the 2005 Act”), regulation 3 amends the Coroners and Justice Act 2009 (c.25) (“the 2009 Act”) and regulation 4 amends the Coroners Act (Northern Ireland) 1959 (c.15) (N.I.) (“the 1959 Act”). Section 19 of the 2005 Act relates to restricting public access to an inquiry’s proceedings or evidence. Under this section a restriction notice order may be made if required by an enforceable EU obligation. Section 25 of the 2005 Act is concerned with the publication of inquiry reports. Under this section material can be withheld from publication if required by an enforceable EU obligation. Both these references are replaced by a new concept (defined in section 43 of the 2005 Act) of retained enforceable EU obligation.

Section 22 of the 2005 Act relates to restrictions on production of evidence to inquiries. Paragraph 2 of Schedule 5 to the 2009 Act is concerned with the powers of a coroner in England and Wales to require the production of evidence or documents. These provisions provide (amongst other things) that a person cannot be required to take action (such as providing a document) if to do so would be incompatible with an EU obligation. Section 17B of the 1959 Act makes provision on giving or producing evidence to a coroner in Northern Ireland. Section 17B(2) in particular provides (amongst other things) that a person cannot be required to give or produce any evidence or document if to do so would be incompatible with a Community obligation. Amendments made by these Regulations replaces the references to an “EU obligation” in the 2005 Act and the 2009 Act and the reference to a “Community obligation” in the 1959 Act with references to a “retained EU obligation”, which, as a result of amendments made by the European Union (Withdrawal) Act 2018, is defined by the Interpretation Act 1978.

A full impact assessment has not been published for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.