

EXPLANATORY MEMORANDUM TO
THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER
AREAS) ORDER 2022

2022 No. 272

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument amalgamates the (a) North Yorkshire (Eastern), (b) North Yorkshire (Western), and (c) York coroner areas to create a new coroner area to be known as “North Yorkshire and York”.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 Paragraph 2 of Schedule 2 to the Coroners and Justice Act 2009 (the “2009 Act”) allows the Lord Chancellor, by order, to alter coroner areas (including by combining two or more areas). This is the tenth Order to be made under this power. Before making such an Order, the Lord Chancellor must consult whichever local authorities (and any other persons) he thinks appropriate.

7. Policy background

What is being done and why?

- 7.1 The opportunity to pursue a merger arose following the retirement of the Senior Coroner for the York coroner area in 2014; the retirement of the Senior Coroner for the North Yorkshire (Eastern) coroner area in March 2019; and the Senior Coroner for North Yorkshire (Western) in April 2020. A new Senior Coroner was appointed to all three areas in September 2020.
- 7.2 The merger is in line with the long-standing Government, and more recent Chief Coroner policy, to support and encourage the merger of coroner areas wherever possible, helping to bring about greater consistency of practice between coroner areas.

Merged areas should mean economies of scale for the local authorities which provide coroner services through, for example, sharing of staff and other resources. The creation of larger coroner areas should not mean reduced access to local services and we would not expect bereaved people to have to travel longer distances to attend inquest hearings.

- 7.3 The amalgamation of these three coroner areas supports this policy. The proposed merger will create a coroner area with around 1,820 deaths reported annually. There will be one part-time Area Coroner and sessional Assistant Coroners to support the caseload.
- 7.4 North Yorkshire County Council and the City of York Council currently provide funding for their respective coroner services. When the three coroner areas merge, the two local authorities will be responsible for funding the coroner service in the new area.

Explanations

What did any law do before the changes to be made by this instrument?

- 7.5 It established the three coroner areas as separate entities.

Why is it being changed?

- 7.6 It is in line with long standing Government, and more recent Chief Coroner, policy to merge coroner areas when the opportunity arises.

What will it now do?

- 7.7 It will amalgamate the three coroner areas to create a new coroner area which will incorporate the three areas.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 Consolidation is not appropriate as this instrument does not amend another instrument.

10. Consultation outcome

- 10.1 In accordance with paragraph 2(2) of Schedule 2 to the 2009 Act, a targeted consultation was undertaken by the Ministry of Justice based on a business case prepared by North Yorkshire County Council (the local authority for the North Yorkshire (Eastern) and the North Yorkshire (Western) coroner areas), in conjunction with the City of York Council (the local authority for the York coroner area). The business case considered the impact on the delivery of the coroner service and those working within it and alongside the coroners as well as the impact on resources, the legal implications as well as the risks of and mitigating actions from the merger.
- 10.2 The consultation ran for five weeks in December 2021 and January 2022 and asked questions based on the business case. The consultation was sent to local authorities, local MPs and councillors, the police force, hospitals, coronial office holders and coroners' officers and faith groups who engage with the coroner service. We received

three responses during the consultation, all of which were strongly supportive of the merger with North Yorkshire Police considering that the proposed merger was likely to provide an improved and more consistent service to families across North Yorkshire and York.

11. Guidance

- 11.1 In agreement with the Lord Chancellor, the Chief Coroner has issued guidance on the merger of coroner areas. This guidance is publicly available on the Chief Coroner's website and can be found at <https://www.judiciary.uk/wp-content/uploads/2013/09/guidance-no14-mergers-of-coroner-areas.pdf>.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities, or voluntary bodies.
- 12.2 The impact on the public sector is expected to be minimal. Most of the changes will focus on the centralisation of the administrative support services. It is not expected that external stakeholders such as bereaved people, hospital services, and the police will notice a difference compared to the existing arrangements. As such, an impact assessment has not been prepared for this instrument.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is that the Department will carry out a review of the impact of this instrument 12 months after it has come into force. This will allow time for the changes to take effect whilst providing the opportunity for any immediate concerns resulting from the merger to be raised at an early stage.

15. Contact

- 15.1 Ammaar Ahmed at the Ministry of Justice. Telephone: 07583681297, or email: ammaar.ahmed@justice.gov.uk, for any queries regarding the instrument.
- 15.2 Alison Samedi, Deputy Director for Death Management, Miscarriages of Justice Compensation, Inquiries and Coroners, at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Tom Pursglove MP at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.