



Coroners Act 1988

1988 CHAPTER 13

Inquests: special cases

13 Order to hold inquest.

- (1) This section applies where, on an application by or under the authority of the Attorney-General, the High Court is satisfied as respects a coroner (“the coroner concerned”) either—
 - (a) that he refuses or neglects to hold an inquest which ought to be held; or
 - (b) where an inquest has been held by him, that (whether by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, the discovery of new facts or evidence or otherwise) it is necessary or desirable in the interests of justice that another inquest should be held.
- (2) The High Court may—
 - (a) order an inquest or, as the case may be, another inquest to be held into the death either—
 - (i) by the coroner concerned; or
 - (ii) by the coroner for another district in the same administrative area;
 - (b) order the coroner concerned to pay such costs of and incidental to the application as to the court may appear just; and
 - (c) where an inquest has been held, quash the inquisition on that inquest.
- (3) In relation to an inquest held under subsection (2)(a)(ii) above, the coroner by whom it is held shall be treated for the purposes of this Act as if he were the coroner for the district of the coroner concerned.

14 Inquest out of jurisdiction.

- (1) If it appears to a coroner that, in the case of a body lying within his district, an inquest ought to be held into the death but it is expedient that the inquest should be held by some other coroner, he may request that coroner to assume jurisdiction to hold the inquest; and if that coroner agrees he, and not the coroner within whose district the body is lying, shall have jurisdiction to hold the inquest.

Status: Point in time view as at 01/01/2000.

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- (2) If the coroner who has been requested to assume jurisdiction declines to assume it, the coroner who has made the request may apply to the Secretary of State for a direction designating the coroner who is to hold the inquest.
- (3) On the making of an application under subsection (2) above, the Secretary of State—
 - (a) shall determine by which coroner (whether one of the two mentioned in that subsection or another) the inquest should in all the circumstances be held; and
 - (b) shall direct him to assume jurisdiction or, as the case may be, to exercise his jurisdiction to hold the inquest;
 and where a direction is given under this subsection directing a coroner to assume jurisdiction, he, and not the coroner within whose district the body is lying, shall have jurisdiction to hold the inquest and shall hold it accordingly.
- (4) Where jurisdiction to hold an inquest is assumed under this section, it shall not be necessary to remove the body into the district of the coroner who is to hold the inquest.
- (5) Any request made or agreement given, any application for a direction and any direction under any of the foregoing provisions of this section shall be made or given in writing.
- (6) Notice of the making of an application under subsection (2) above shall be given to the coroner who declined to assume jurisdiction and notice of the direction given pursuant to such an application shall be given—
 - (a) in a case where the direction is given to the coroner who made the application or the coroner who had notice of it, to the other coroner; and
 - (b) in a case where the direction is given to some other coroner, to the coroner who made the application and to the coroner who had notice of it.
- (7) On the assumption by a coroner of jurisdiction to hold an inquest under this section, the coroner—
 - (a) shall also assume, in relation to the body and the inquest, all the powers and duties which would belong to him if the body were lying within his district (including the power to order its exhumation under section 23 below); and
 - (b) may exercise those powers notwithstanding that the body remains outside his district or, having been removed into it, is removed out of it by virtue of any order of his for its examination or burial.
- (8) On the assumption of the powers and duties referred to in subsection (7) above by the coroner who assumes jurisdiction to hold the inquest, the coroner within whose district the body is lying shall cease to have any powers or duties in relation to the body or the inquest, notwithstanding that the body remains within his district or comes to be buried there.
- (9) It shall be for the coroner who assumes, and not for the coroner who ceases to have, jurisdiction to hold an inquest under this section to pay any fees or other expenses incurred in the course of his duties by the latter coroner before he ceased to have jurisdiction; and any such fees or other expenses shall be accounted for and repaid accordingly.

15 Inquest where body destroyed or irrecoverable.

- (1) Where a coroner has reason to believe—
 - (a) that a death has occurred in or near his district in such circumstances that an inquest ought to be held; and

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- (b) that owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except in pursuance of this section,
he may report the facts to the Secretary of State.
- (2) Where a report is made under subsection (1) above, the Secretary of State may, if he considers it desirable to do so, direct a coroner (whether the coroner making the report or another) to hold an inquest into the death.
- (3) Where a coroner is directed under this section to hold an inquest, the provisions of this Act and the law relating to coroners and coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being one into the death of a person whose body does not lie within the coroner's district.

16 Adjournalment of inquest in [F¹event of criminal proceedings].

- (1) If on an inquest into a death the coroner before the conclusion of the inquest—
 - (a) is informed by the clerk of a magistrates' court under section 17(1) below that some person has been charged before a magistrates' court with—
 - (i) the murder, manslaughter or infanticide of the deceased;
 - (ii) an offence under [F²section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)] committed by causing the death of the deceased; or
 - (iii) an offence under section 2(1) of the M¹Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of the deceased;or
 - (b) is informed by the Director of Public Prosecutions that some person has been charged before examining justices with an offence (whether or not involving the death of a person other than the deceased) alleged to have been committed in circumstances connected with the death of the deceased, not being an offence within paragraph (a) above, and is requested by the Director to adjourn the inquest,

then, subject to subsection (2) below, the coroner shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the relevant criminal proceedings and, if a jury has been summoned, may, if he thinks fit, discharge them.

- (2) The coroner—
 - (a) need not adjourn the inquest in a case within subsection (1)(a) above if, before he has done so, the Director of Public Prosecutions notifies him that adjournment is unnecessary; and
 - (b) may in any case resume the adjourned inquest before the conclusion of the relevant criminal proceedings if notified by the Director that it is open to him to do so.
- (3) After the conclusion of the relevant criminal proceedings, or on being notified under paragraph (b) of subsection (2) above before their conclusion, the coroner may, subject to the following provisions of this section, resume the adjourned inquest if in his opinion there is sufficient cause to do so.
- (4) Where a coroner adjourns an inquest in compliance with subsection (1) above, he shall send to the registrar of deaths a certificate under his hand stating, so far as they have

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been ascertained at the date of the certificate, the particulars which under the 1953 Act are required to be registered concerning the death.

- (5) Where a coroner does not resume an inquest which he has adjourned in compliance with subsection (1) above, he shall (without prejudice to subsection (4) above) send to the registrar of deaths a certificate under his hand stating the result of the relevant criminal proceedings.
- (6) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above and for that purpose summons a jury (but not where he resumes without a jury, or with the same jury as before the adjournment)—
- (a) he shall proceed in all respects as if the inquest had not previously been begun; and
 - (b) subject to subsection (7) below, the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest.
- (7) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above—
- (a) the finding of the inquest as to the cause of death must not be inconsistent with the outcome of the relevant criminal proceedings;
 - (b) the coroner shall supply to the registrar of deaths after the termination of the inquest a certificate under his hand stating the result of the relevant criminal proceedings; and
 - (c) the provisions of section 11(7) above shall not apply in relation to that inquest.
- (8) In this section “the relevant criminal proceedings” means the proceedings before examining justices and before any court to which the person charged is committed for trial.

Textual Amendments

- F1** S. 16: words in sidenote substituted (1.1.2000) by 1999 c. 22, s. 71(3) (with s. 107, Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(b)
- F2** Words in s. 16(1)(a)(ii) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 40; S.I. 1992/1286, art. 2, Sch.

Marginal Citations

- M1** 1961 c.60.

17 Provisions supplementary to section 16.

- (1) Where a person is charged before a magistrates’ court with—
- (a) murder, manslaughter or infanticide;
 - (b) an offence under [F3 section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)]; or
 - (c) an offence under section 2(1) of the M2 Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of another,
- the clerk of the court shall inform the coroner who is responsible for holding an inquest into the death of the making of the charge and of the result of the proceedings before that court.
- (2) Where a person charged with—

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- (a) murder, manslaughter or infanticide;
- (b) an offence under [^{F4}section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)]; or
- (c) an offence under section 2(1) of the ^{M3}Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of another,

is committed for trial to the Crown Court, the appropriate officer of the Crown Court at the place where the person charged is tried shall inform the coroner of the result of the proceedings before that court.

- (3) Where the Director of Public Prosecutions has under section 16(1)(b) above requested a coroner to adjourn an inquest, then, whether or not the inquest is adjourned as a result, the Director shall—
 - (a) inform the coroner of the result of the proceedings before the magistrates' court in the case of the person charged as mentioned in that paragraph; and
 - (b) if that person is committed for trial to the Crown Court, inform the coroner of the result of the proceedings before that court.

Textual Amendments

- F3** Words in s. 17(1)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para.41; S.I. 1992/1286, art. 2, Sch.
- F4** Words in s. 17(2)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para.41; S.I. 1992/1286, art. 2, Sch.

Marginal Citations

- M2** 1961 c.60.
- M3** 1961 c.60.

[^{F5}17A] Adjournment of inquest in event of judicial inquiry.

- (1) If on an inquest into a death the coroner is informed by the Lord Chancellor before the conclusion of the inquest that—
 - (a) a public inquiry conducted or chaired by a judge is being, or is to be, held into the events surrounding the death; and
 - (b) the Lord Chancellor considers that the cause of death is likely to be adequately investigated by the inquiry,the coroner shall, in the absence of any exceptional reason to the contrary, adjourn the inquest and, if a jury has been summoned, may, if he thinks fit, discharge them.
- (2) Where a coroner adjourns an inquest in compliance with subsection (1) above, he shall send to the registrar of deaths a certificate under his hand stating, so far as they have been ascertained at the date of the certificate, the particulars which under the 1953 Act are required to be registered concerning the death.
- (3) Where a coroner has adjourned an inquest in compliance with subsection (1) above, the Lord Chancellor shall send him the findings of the public inquiry as soon as reasonably practicable after their publication.
- (4) A coroner may only resume an inquest which has been adjourned in compliance with subsection (1) above if in his opinion there is exceptional reason for doing so; and he shall not do so—

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- (a) before the end of the period of 28 days beginning with the day on which the findings of the public inquiry are published; or
 - (b) if the Lord Chancellor notifies the coroner that this paragraph applies, before the end of the period of 28 days beginning with the day on which the public inquiry is concluded.
- (5) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above—
- (a) the provisions of section 8(3) above shall not apply in relation to that inquest; and
 - (b) if he summons a jury (but not where he resumes without a jury, or with the same jury as before the adjournment), he shall proceed in all respects as if the inquest had not previously begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest.
- (6) Where a coroner does not resume an inquest which he has adjourned in compliance with subsection (1) above, he shall (without prejudice to subsection (2) above) send to the registrar of deaths a certificate under his hand stating any findings of the public inquiry in relation to the death.]

Textual Amendments

F5 S. 17A inserted (1.1.2000) by S.I. 1999 c. 22, s. 71(1) (with s. 107, Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(b)

18 Inquests into road deaths in London.

- (1) Where an accident occurs within Greater London or the City resulting in the death of a person, and it is alleged that the accident was due to—
- (a) the nature or character of a road or road surface; or
 - (b) a defect in the design or construction of a vehicle or in the materials used in the construction of a road or vehicle,
- the coroner holding the inquest into the death shall send to the Secretary of State, or to such officer of his as the Secretary of State may direct, notice in writing of the time and place of holding the inquest, and of any adjourned inquest.
- (2) An officer appointed by the Secretary of State for the purpose shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.
- (3) In this section “road” has the same meaning as in [^{F6}section 182 of the ^{M4}Road Traffic Act 1988].

Textual Amendments

F6 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, Sch. 3 para. 37(3)

Marginal Citations

M4 1988 c.52.

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