



Access to Justice Act 1999

1999 CHAPTER 22

PART IV

APPEALS, COURTS, JUDGES AND COURT PROCEEDINGS

Court proceedings

71 Adjourning of inquest in event of judicial inquiry.

(1) In the ^{M1}Coroners Act 1988, after section 17 insert—

“17A Adjourning 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.

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: Court proceedings. (See end of Document for details)

- (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—
- (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.”
- (2) In section 8(4) of that Act (power to summon jury), for “either before he proceeds to hold an inquest” substitute “before he proceeds to hold an inquest, on resuming an inquest begun with a jury after the inquest has been adjourned and the jury discharged”.
- (3) In the sidenote to section 16 of that Act (adjournment of inquest in certain cases), for “certain cases” substitute “event of criminal proceedings”.

Marginal Citations

M1 1988 c.13.

72 Reporting of proceedings relating to children.

In section 97 of the ^{M2}Children Act 1989 (privacy for children involved in certain proceedings)—

- (a) in subsection (2) (which prohibits the publication of material intended or likely to identify a child as being involved in proceedings before a magistrates’ court in which powers under that Act may be exercised), after “before” insert “the High Court, a county court or”, and
- (b) in subsection (8) (which makes provision about the application of certain provisions of the ^{M3}Magistrates’ Courts Act 1980 in relation to proceedings to which section 97 applies), after “any proceedings” insert “(before a magistrates’ court)”.

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: Court proceedings. (See end of Document for details)

Marginal Citations

M2 1989 c.41.

M3 1980 c.43.

73 Power to allow children to attend criminal proceedings.

- (1) In section 36 of the ^{M4}Children and Young Persons Act 1933 (child not to be present at criminal trial except where required as witness or otherwise for the purposes of justice), after “justice” insert “ or while the court consents to his presence ”.
- (2) In section 50(1) of the ^{M5}Criminal Procedure (Scotland) Act 1995 (child not to be present at criminal proceedings unless required as witness or otherwise for the purposes of justice), after “justice” insert “ or the court consents to his presence ”.

Marginal Citations

M4 1933 c.12.

M5 1995 c.46.

Changes to legislation:

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