



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 1

#### CORONERS ETC

### CHAPTER 1

#### INVESTIGATIONS INTO DEATHS

##### *Inquests*

#### 6 Duty to hold inquest

A senior coroner who conducts an investigation under this Part into a person's death must (as part of the investigation) hold an inquest into the death.

This is subject to section 4(3)(a).

#### Commencement Information

**II** S. 6 in force at 25.7.2013 by [S.I. 2013/1869](#), [art. 2\(a\)](#)

#### 7 Whether jury required

- (1) An inquest into a death must be held without a jury unless subsection (2) or (3) applies.
- (2) An inquest into a death must be held with a jury if the senior coroner has reason to suspect—
  - (a) that the deceased died while in custody or otherwise in state detention, and that either—
    - (i) the death was a violent or unnatural one, or
    - (ii) the cause of death is unknown,

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- (b) that the death resulted from an act or omission of—
    - (i) a police officer, or
    - (ii) a member of a service police force,
 in the purported execution of the officer's or member's duty as such, or
  - (c) that the death was caused by a notifiable accident, poisoning or disease.
- (3) An inquest into a death may be held with a jury if the senior coroner thinks that there is sufficient reason for doing so.
- (4) For the purposes of subsection (2)(c) an accident, poisoning or disease is “notifiable” if notice of it is required under any Act to be given—
- (a) to a government department,
  - (b) to an inspector or other officer of a government department, or
  - (c) to an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37).

[<sup>F1</sup>(5) But COVID-19 is not a notifiable disease for the purposes of subsection (2)(c).]

#### Textual Amendments

- F1** S. 7(5) inserted (temp.) (28.6.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 42(1), 51(3)** (with s. 42(2)-(10))

#### Modifications etc. (not altering text)

- C1** S. 7(2)(c) modified (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), **ss. 30(1), 87(1)** (with ss. 30(2), 88-90) (which affecting provision is continued by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\)](#), regs. 1(2), 2; but then omitted (28.6.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 42(11), 51(3)** (with s. 42(12))

#### Commencement Information

- I2** S. 7 in force at 25.7.2013 by [S.I. 2013/1869](#), **art. 2(a)**

## 8 Assembling a jury

- (1) The jury at an inquest (where there is a jury) is to consist of seven, eight, nine, ten or eleven persons.
- (2) For the purpose of summoning a jury, a senior coroner may summon persons (whether within or without the coroner area for which that coroner is appointed) to attend at the time and place stated in the summons.
- (3) Once assembled, the members of a jury are to be sworn by or before the coroner to inquire into the death of the deceased and to give a true determination according to the evidence.
- (4) Only a person who is qualified to serve as a juror in the Crown Court, the High Court and the [<sup>F2</sup>county court], under section 1 of the Juries Act 1974 (c. 23), is qualified to serve as a juror at an inquest.
- (5) The senior coroner may put to a person summoned under this section any questions that appear necessary to establish whether or not the person is qualified to serve as a juror at an inquest.

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#### Textual Amendments

- F2** Words in s. 8(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 73; S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

#### Commencement Information

- I3** S. 8 in force at 25.7.2013 by [S.I. 2013/1869, art. 2\(a\)](#)

## 9 Determinations and findings by jury

- (1) Subject to subsection (2), a determination or finding that a jury is required to make under section 10(1) must be unanimous.
- (2) A determination or finding need not be unanimous if—
  - (a) only one or two of the jury do not agree on it, and
  - (b) the jury has deliberated for a period of time that the senior coroner thinks reasonable in view of the nature and complexity of the case.

Before accepting a determination or finding not agreed on by all the members of the jury, the coroner must require one of them to announce publicly how many agreed and how many did not.
- (3) If the members of the jury, or the number of members required by subsection (2)(a), do not agree on a determination or finding, the coroner may discharge the jury and another one may be summoned in its place.

#### Commencement Information

- I4** S. 9 in force at 25.7.2013 by [S.I. 2013/1869, art. 2\(a\)](#)

## [<sup>F3</sup>9A Surrender of electronic communications devices by jurors

- (1) A senior coroner holding an inquest with a jury may order the members of the jury to surrender any electronic communications devices for a period.
- (2) An order may be made only if the senior coroner considers that—
  - (a) the order is necessary or expedient in the interests of justice, and
  - (b) the terms of the order are a proportionate means of safeguarding those interests.
- (3) An order may only specify a period during which the members of the jury are—
  - (a) in the building in which the inquest is being heard,
  - (b) in other accommodation provided at the senior coroner's request,
  - (c) visiting a place in accordance with arrangements made for the purposes of the inquest, or
  - (d) travelling to or from a place mentioned in paragraph (b) or (c).
- (4) An order may be made subject to exceptions.
- (5) It is a contempt of court for a member of a jury to fail to surrender an electronic communications device in accordance with an order under this section.

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- (6) Proceedings for a contempt of court under this section may only be instituted on the motion of a senior coroner having jurisdiction to deal with it.
- (7) In this section, “electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003).

#### Textual Amendments

**F3** Ss. 9A, 9B inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 13 para. 1](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 79](#)

### **9B Surrender of electronic communications devices: powers of search etc**

- (1) This section applies where an order has been made under section 9A in respect of the members of a jury.
- (2) A coroners' officer must, if ordered to do so by a senior coroner, search a member of the jury in order to determine whether the juror has failed to surrender an electronic communications device in accordance with the order.
- (3) Subsection (2) does not authorise the officer to require a person to remove clothing other than a coat, jacket, headgear, gloves or footwear.
- (4) If the search reveals a device which is required by the order to be surrendered—
  - (a) the officer must ask the juror to surrender the device, and
  - (b) if the juror refuses to do so, the officer may seize it.
- (5) Subject to subsection (6), a coroners' officer may retain an article which was surrendered or seized under subsection (4) until the end of the period specified in the order.
- (6) If a coroners' officer reasonably believes that the device may be evidence of, or in relation to, an offence, the officer may retain it until the later of—
  - (a) the end of the period specified in the order, and
  - (b) the end of such period as will enable the officer to draw it to the attention of a constable.
- (7) A coroners' officer may not retain a device under subsection (6)(b) for a period of more than 24 hours from the time when it was surrendered or seized.
- (8) The Lord Chancellor may by regulations make provision as to—
  - (a) the provision of written information about coroners' officers' powers of retention to persons by whom devices have been surrendered, or from whom devices have been seized, under this section,
  - (b) the keeping of records about devices which have been surrendered or seized under this section,
  - (c) the period for which unclaimed devices have to be kept, and
  - (d) the disposal of unclaimed devices at the end of that period.
- (9) In this section—

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“electronic communications device” has the same meaning as in section 9A;

“unclaimed device” means a device retained under this section which has not been returned and whose return has not been requested by a person entitled to it.]

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**Textual Amendments**

**F3** Ss. 9A, 9B inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 13 para. 1](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 79](#)

**[<sup>F4</sup>9C Inquests without jury to be conducted at hearing or in writing**

- (1) Where an inquest into a death is to be held without a jury, the inquest is to be held—
  - (a) at a hearing, or
  - (b) if the senior coroner decides that a hearing is unnecessary, in writing.
- (2) The senior coroner is not to decide that a hearing is unnecessary unless—
  - (a) the coroner has invited representations from each interested person known to the coroner,
  - (b) no interested person has represented on reasonable grounds that a hearing should take place,
  - (c) it appears to the coroner that there is no real prospect of disagreement among interested persons as to the determinations or findings that the inquest could or should make, and
  - (d) it appears to the coroner that no public interest would be served by a hearing.]

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**Textual Amendments**

**F4** [S. 9C](#) inserted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 40\(2\)](#), [51\(3\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)