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## SCHEDULES

### SCHEDULE 5

Section 32

#### POWERS OF CORONERS

##### *Power to require evidence to be given or produced*

- 1 (1) A senior coroner may by notice require a person to attend at a time and place stated in the notice and—
- (a) to give evidence at an inquest,
  - (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to an inquest, or
  - (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to an inquest.
- (2) A senior coroner who is conducting an investigation under this Part may by notice require a person, within such period as the senior coroner thinks reasonable—
- (a) to provide evidence to the senior coroner, about any matters specified in the notice, in the form of a written statement,
  - (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to the investigation, or
  - (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to the investigation.
- (3) A notice under sub-paragraph (1) or (2) must—
- (a) explain the possible consequences, under paragraphs 6 and 7 of Schedule 6, of not complying with the notice;
  - (b) indicate what the recipient of the notice should do if he or she wishes to make a claim under sub-paragraph (4).
- (4) A claim by a person that—
- (a) he or she is unable to comply with a notice under this paragraph, or
  - (b) it is not reasonable in all the circumstances to require him or her to comply with such a notice,
- is to be determined by the senior coroner, who may revoke or vary the notice on that ground.
- (5) In deciding whether to revoke or vary a notice on the ground mentioned in sub-paragraph (4)(b), the senior coroner must consider the public interest in the information in question being obtained for the purposes of the inquest or investigation, having regard to the likely importance of the information.
- (6) For the purposes of this paragraph a document or thing is under a person's control if it is in the person's possession or if he or she has a right to possession of it.

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- (7) The validity of a notice under sub-paragraph (1) or (2) is not limited to the coroner area for which the senior coroner issuing the notice is appointed.
- (8) A reference in this paragraph to a senior coroner is to be read as including the Coroner for Treasure.

#### Commencement Information

**I1** Sch. 5 para. 1 in force at 25.7.2013 by S.I. 2013/1869, art. 2(k)

- 2 (1) A person may not be required to give, produce or provide any evidence or document under paragraph 1 if—
- (a) he or she could not be required to do so in civil proceedings in a court in England and Wales, or
  - (b) the requirement would be incompatible with <sup>[F1</sup>an assimilated] obligation.
- (2) The rules of law under which evidence or documents are permitted or required to be withheld on grounds of public interest immunity apply in relation to an investigation or inquest under this Part as they apply in relation to civil proceedings in a court in England and Wales.

#### Textual Amendments

**F1** Words in Sch. 5 para. 2(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), Sch. para. 71

#### Commencement Information

**I2** Sch. 5 para. 2 in force at 25.7.2013 by S.I. 2013/1869, art. 2(k)

PROSPECTIVE

#### *Power of entry, search and seizure*

- 3 (1) A senior coroner conducting an investigation under this Part, if authorised—
- (a) by the Chief Coroner, or
  - (b) by another senior coroner nominated by the Chief Coroner to give authorisation,
- may enter and search any land specified in the authorisation.
- (2) An authorisation may be given only if—
- (a) the senior coroner conducting the investigation has reason to suspect that there may be anything on the land which relates to a matter that is relevant to the investigation, and
  - (b) any of the conditions in sub-paragraph (3) are met.
- (3) Those conditions are—
- (a) that it is not practicable to communicate with a person entitled to grant permission to enter and search the land;
  - (b) that permission to enter and search the land has been refused;

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- (c) that the senior coroner has reason to believe that such permission would be refused if requested;
    - (d) that the purpose of a search may be frustrated or seriously prejudiced unless the senior coroner can secure immediate entry to the land on arrival.
  - (4) A senior coroner conducting an investigation under this Part who is lawfully on any land—
    - (a) may seize anything that is on the land;
    - (b) may inspect and take copies of any documents.
  - (5) A reference in this paragraph to land is not limited to land within the coroner area for which the senior coroner in question is appointed.
  - (6) A reference in this paragraph to a senior coroner is to be read as including the Coroner for Treasure.
- 4 (1) The person by whom an authorisation under paragraph 3(1) is given must make a record—
  - (a) setting out the reasons for the suspicion referred to in paragraph 3(2)(a);
  - (b) specifying which of the conditions in paragraph 3(3) is met.
- (2) Where the authorisation is given by a senior coroner nominated under paragraph 3(1)(b), that coroner must give the record made under this paragraph to the Chief Coroner.
- (3) The Chief Coroner must retain a record made this paragraph until the Chief Coroner has given to the Lord Chancellor the report under section 36 for the calendar year in which the authorisation in question was given.
- 5 (1) A power under paragraph 3(4) is not exercisable unless the person exercising the power has reasonable grounds for believing—
  - (a) that its exercise may assist the investigation, and
  - (b) in the case of the seizure of anything, that the seizure is necessary to prevent the thing being concealed, lost, damaged, altered or destroyed.
- (2) The power under paragraph 3(4)(b) includes power to require any information that is stored in an electronic form and is on, or accessible from, the land to be produced in a form—
  - (a) in which it can be taken away, and
  - (b) in which it is legible or from which it can readily be produced in a legible form.
- (3) A power under paragraph 3(4) does not apply to any item that the person by whom the power is exercisable has reasonable grounds for believing to be subject to legal privilege.
- (4) Anything that has been seized or taken away under paragraph 3 may be retained for so long as is necessary in all the circumstances.
- (5) A person on whom a power is conferred by virtue of paragraph 3 may use reasonable force, if necessary, in the exercise of the power.
- (6) In this paragraph “subject to legal privilege”, in relation to an item, has the meaning given by section 10 of the Police and Criminal Evidence Act 1984 (c. 60).

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### *Exhumation of body for examination*

- 6 (1) A senior coroner may order the exhumation of a person's body if sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies if—
- (a) the body is buried in England and Wales (whether or not within the coroner area for which the coroner is appointed), and
  - (b) the coroner thinks it necessary for the body to be examined under section 14.
- (3) This sub-paragraph applies if—
- (a) the body is buried within the coroner area for which the coroner is appointed, and
  - (b) the coroner thinks it necessary for the body to be examined for the purpose of any criminal proceedings that have been instituted or are contemplated in respect of—
    - (i) the death of the person whose body it is, or
    - (ii) the death of another person who died in circumstances connected with the death of that person.
- (4) In sub-paragraph (3) “criminal proceedings” includes proceedings in respect of an offence under section 42 of the Armed Forces Act 2006 (c. 52) (or section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or section 42 of the Naval Discipline Act 1957 (c. 53)).

#### **Commencement Information**

**I3** Sch. 5 para. 6 in force at 25.7.2013 by S.I. 2013/1869, art. 2(k)

### *Action to prevent other deaths*

- 7 (1) Where—
- (a) a senior coroner has been conducting an investigation under this Part into a person's death,
  - (b) anything revealed by the investigation gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future, and
  - (c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,
- the coroner must report the matter to a person who the coroner believes may have power to take such action.
- (2) A person to whom a senior coroner makes a report under this paragraph must give the senior coroner a written response to it.
- (3) A copy of a report under this paragraph, and of the response to it, must be sent to the Chief Coroner.

#### **Commencement Information**

**I4** Sch. 5 para. 7 in force at 25.7.2013 by S.I. 2013/1869, art. 2(k)

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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\(2\)](#)