
STATUTORY INSTRUMENTS

2004 No. 921

The Coroners (Amendment) Rules 2004

Amendments to the Coroners Rules 1984

3. For rule 51 of the Coroners Rules 1984 (Excusal for certain persons and discretionary excusal) there is substituted —

“**51.**—(1) If any person summoned under section 8 of the 1988 Act (1) shows to the satisfaction of the appropriate officer that there is good reason why he should be excused from attending in pursuance of the summons, the appropriate officer may, subject to the following provisions of this rule, excuse him from so attending.

(2) Without prejudice to paragraph (1) above, the appropriate officer shall excuse a full-time serving member of Her Majesty’s naval, military or air forces from attending in pursuance of a summons if that member’s commanding officer certifies to the appropriate officer that it would be prejudicial to the efficiency of the service if that member were to be required to be absent from duty.

(3) Paragraph (2) above does not affect the application of paragraph (1) above to a full-time serving member of Her Majesty’s naval, military or air forces in a case where he is not entitled to be excused under paragraph (2).

(4) Without prejudice to paragraph (1) above, where a person summoned under section 8 of the 1988 Act is a coroner, the appropriate officer shall excuse him from attending in pursuance of that summons if it was issued in relation to the area for which he has been appointed coroner under section 1(1) of the 1988 Act (2), deputy or assistant deputy coroner under section 6 of that Act, or in relation to which he is acting as coroner under section 5(3) of that Act.

(5) In the case of a coroner appointed for such an area as is mentioned in section 1(1) (c) or 1(1)(d) of the 1988 Act which has been divided into coroners' districts pursuant to section 4(2) of that Act (3), the reference in paragraph (4) above to the area for which he has been appointed shall be construed as a reference to the district to which he has been assigned under section 4(4) of that Act.

(6) Paragraph (4) above does not affect the application of paragraph (1) above to a coroner in a case where he is not entitled to be excused under paragraph (4).

(7) Without prejudice to the preceding provisions of this rule, the coroner before whom a person is summoned to attend under section 8 of the 1988 Act may excuse that person from so attending.”

(1) As amended by section 71(2) of the Access to Justice Act 1999 (c. 22).

(2) As substituted by regulation 2(2) of the Local Government Reorganisation (Amendment of Coroners Act 1988) Regulations 1996 (S.I. 1996/655) and subsequently amended by regulation 2(2) of the Local Government Reorganisation (Amendment of Coroners Act 1988) Regulations 1998 (S.I. 1998/465).

(3) Section 4 of the 1988 Act has been amended, so far as relevant, by section 66(6) of, and paragraph 82(4) of Schedule 16 to, the Local Government (Wales) Act 1994 (c. 19).