
STATUTORY INSTRUMENTS

2008 No. 1652

The Coroners (Amendment) Rules 2008

2. For rule 43 substitute—

“Prevention of future deaths

43.—(1) Where—

- (a) a coroner is holding an inquest into a person’s death;
- (b) the evidence 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 may report the circumstances to a person who the coroner believes may have power to take such action.

(2) A report under paragraph (1) may not be made until all the evidence has been heard except where a coroner, having adjourned an inquest under section 16 or 17A of the 1988 Act, does not resume it.

(3) A coroner who intends to make a report under paragraph (1) must announce this intention before the end of the inquest, but failure to do so will not prevent a report being made.

(4) The coroner making the report under paragraph (1)—

- (a) must send a copy of the report to—
 - (i) the Lord Chancellor; and
 - (ii) any person who has been served with a notice under rule 19; and
- (b) may send a copy of the report to any person who the coroner believes may find it useful or of interest.

(5) On receipt of a report under paragraph (4)(a)(i), the Lord Chancellor may—

- (a) publish a copy of the report, or a summary of it, in such manner as the Lord Chancellor thinks fit; and
- (b) send a copy of the report to any person who the Lord Chancellor believes may find it useful or of interest (other than a person who has been sent a copy of the report under paragraph (4)(b)).

Response to report under rule 43

43A.—(1) A person to whom a coroner sends a report under rule 43(1) must give the coroner a written response to the report containing—

- (a) details of any action that has been taken or which it is proposed will be taken whether in response to the report or otherwise; or
- (b) an explanation as to why no action is proposed

within the period of 56 days beginning with the day on which the report is sent.

- (2) On receipt of a response under paragraph (1), the coroner—
 - (a) must send a copy of the response to—
 - (i) the Lord Chancellor; and
 - (ii) except where paragraph (6) applies, any person who has been served with a notice under rule 19; and
 - (b) except where paragraph (6) applies, may send a copy of the response to any person who the coroner believes may find it useful or of interest.
- (3) Except where paragraph (6) applies, on receipt of a response under paragraph (2)(a) (i), the Lord Chancellor may—
 - (a) publish a copy of the response, or a summary of it, in such manner as the Lord Chancellor thinks fit; and
 - (b) send a copy of the response to any person who the Lord Chancellor believes may find it useful or of interest (other than a person who has been sent a copy of the report under paragraph (2)(b)).
- (4) A person giving a response under paragraph (1) may make written representations to the coroner about—
 - (a) the release, under paragraphs (2)(a)(ii) or (b) or (3)(b), of a copy of the response; or
 - (b) the publication, under paragraph (3)(a), of the response.
- (5) Representations under paragraph (4) must be made to the coroner no later than the time when the response is given under paragraph (1).
- (6) On receipt of representations under paragraph (4), the coroner may decide that the response should not—
 - (a) be released in full under paragraphs (2)(a)(ii) or (b) or (3)(b); or
 - (b) be published in full under paragraph (3)(a).
- (7) If paragraph (6) applies—
 - (a) the coroner must prepare a summary of the response; and
 - (b) paragraphs (2) and (3) apply to the summary of the response prepared by the coroner as they apply to the response received under paragraph (1).

Extension of time

43B. A coroner may extend the period of 56 days mentioned in rule 43A(1) (even if an application for extension is made after the time for compliance has expired).”.