

2013 No. 1616

CORONERS, ENGLAND AND WALES

The Coroners (Inquests) Rules 2013

Made - - - - *2nd July 2013*

Laid before Parliament *4th July 2013*

Coming into force - - *25th July 2013*

The Lord Chief Justice, with the agreement of the Lord Chancellor, makes these Rules in exercise of the powers conferred by section 45 of the Coroners and Justice Act 2009(a).

PART 1

Introduction

Citation and commencement

1. These Rules may be cited as the Coroners (Inquests) Rules 2013 and shall come into force on 25th July 2013.

Interpretation

2.—(1) In these Rules—

“the 2009 Act” means the Coroners and Justice Act 2009;

“bank holiday” means a day designated as a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(b);

“copy” means in relation to a document, anything on to which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“coroner” means—

(a) a senior coroner, area coroner or assistant coroner;

(b) the Chief Coroner when conducting an inquest; or

(c) a judge, former judge or former coroner conducting an inquest in accordance with Schedule 10 to the 2009 Act;

“document” means any medium in which information of any description is recorded or stored;

“working day” means a day that is not a Saturday, a Sunday, a bank holiday, Christmas Day or Good Friday.

(a) 2009 c.25.

(b) 1971 c.80.

(2) All references to section and schedule provisions in these Rules are references to provisions in the 2009 Act, unless a rule specifically states otherwise.

(3) Any reference to a Form in these Rules is a reference to a Form in the Schedule to these Rules.

Application to existing inquests

3.—(1) These Rules apply to any inquest which has not been completed before 25th July 2013.

(2) Any direction, time limit, adjournment or other decision made by the coroner in relation to an inquest made before 25th July 2013 shall stand.

PART 2

Formalities

4. This Part applies where a coroner is under a duty to hold an inquest under section 6.

Opening of an inquest

5.—(1) An inquest must be opened as soon as reasonably practicable after the date on which the coroner considers that the duty under section 6 applies.

(2) At the opening of the inquest, the coroner must, where possible, set the dates on which any subsequent hearings are scheduled to take place.

Pre-inquest review hearing

6. A coroner may at any time during the course of an investigation and before an inquest hearing hold a pre-inquest review hearing.

Days on which an inquest may be held

7. An inquest must be held on a working day, unless the coroner considers that there is an urgent reason for holding it on some other day.

Timing of an inquest

8. A coroner must complete an inquest within six months of the date on which the coroner is made aware of the death, or as soon as is reasonably practicable after that date.

Notification of inquest hearing arrangements

9.—(1) A coroner must notify the next of kin or personal representative of the deceased of the date, time and place of the inquest hearing within one week of setting the date of the inquest hearing.

(2) A coroner must notify any other interested persons who have made themselves known to the coroner of the date, time and place of the inquest hearing within one week of setting the date of the inquest hearing.

(3) Where an inquest hearing is to be held, the coroner must make details of the date, time and place of the inquest hearing publicly available before the inquest hearing commences.

Coroner to notify interested persons of any alteration of arrangements for an inquest hearing

10.—(1) Where the date, time or place of the inquest hearing is altered the coroner must notify the next of kin or personal representative of the deceased, and any other interested persons who

have made themselves known to the coroner, of the alteration within one week of the decision to alter.

(2) The coroner must make the details of any alteration made under paragraph (1) publicly available within one week of the decision to alter.

Inquest hearings to be held in public

11.—(1) A coroner must open an inquest in public.

(2) Where the coroner does not have immediate access to a court room or other appropriate premises, the coroner may open the inquest privately and then announce that the inquest has been opened at the next inquest hearing held in public.

(3) An inquest hearing and any pre-inquest hearing must be held in public unless paragraph (4) or (5) applies.

(4) A coroner may direct that the public be excluded from an inquest hearing, or any part of an inquest hearing if the coroner considers it would be in the interests of national security to do so.

(5) A coroner may direct that the public be excluded from a pre-inquest review hearing if the coroner considers it would be in the interests of justice or national security to do so.

PART 3

Disclosure

12. This Part applies to the disclosure of documents by the coroner during or after the course of an investigation, pre-inquest review or inquest.

Disclosure of documents at the request of an interested person

13.—(1) Subject to rule 15, where an interested person asks for disclosure of a document held by the coroner, the coroner must provide that document or a copy of that document, or make the document available for inspection by that person as soon as is reasonably practicable.

(2) Documents to which this rule applies include—

- (a) any post-mortem examination report;
- (b) any other report that has been provided to the coroner during the course of the investigation;
- (c) where available, the recording of any inquest hearing held in public, but not in relation to any part of the hearing from which the public was excluded under rule 11(4) or (5);
- (d) any other document which the coroner considers relevant to the inquest.

Managing disclosure

14. A coroner may—

- (a) disclose an electronic copy of a document instead of, or in addition to, a paper copy;
- (b) disclose a redacted version of all or part of a document; or
- (c) make a document available for inspection at a particular time and place.

Restrictions on disclosure

15. A coroner may refuse to provide a document or a copy of a document requested under rule 13 where—

- (a) there is a statutory or legal prohibition on disclosure;
- (b) the consent of any author or copyright owner cannot reasonably be obtained;

- (c) the request is unreasonable;
- (d) the document relates to contemplated or commenced criminal proceedings; or
- (e) the coroner considers the document irrelevant to the investigation.

Costs of disclosure

16. A coroner may not charge a fee for any document or copy of any document, disclosed to an interested person before or during an inquest^(a).

PART 4

Management of the inquest hearing

Evidence by video link

17.—(1) A coroner may direct that a witness may give evidence at an inquest hearing through a live video link.

(2) A direction may not be given under paragraph (1) unless the coroner determines that giving evidence in the way proposed would improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently.

(3) Before giving a direction under paragraph (1), the coroner must consider all the circumstances of the case, including in particular—

- (a) any views expressed by the witness or any interested person;
- (b) whether it would be in the interests of justice or national security to give evidence by video link; and
- (c) whether in the opinion of the coroner, giving evidence by video link would impede the effectiveness of the questioning of the witness.

(4) A direction may be given under paragraph (1)—

- (a) on an application by the witness, or in the case of a child witness the parent or legal guardian of that witness;
- (b) on an application by an interested person; or
- (c) on the coroner's own initiative.

Evidence given from behind a screen

18.—(1) A coroner may direct that a witness may give evidence at an inquest hearing from behind a screen.

(2) A direction may not be given under paragraph (1) unless the coroner determines that giving evidence in the way proposed would be likely to improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently.

(3) In making that determination, the coroner must consider all the circumstances of the case, including in particular—

- (a) any views expressed by the witness or an interested person;
- (b) whether it would be in the interests of justice or national security to allow evidence to be given from behind a screen; and

(a) Fees may be charged for disclosure after an inquest has been completed in accordance with the Coroners Allowances, Fees and Expenses Regulations 2013 (S.I. 2013/1615).

- (c) whether giving evidence from behind a screen would impede the effectiveness of the questioning of the witness by an interested person or a representative of the interested person.
- (4) A direction may be given under paragraph (1)—
- (a) on the application by the witness, or in the case of a child witness the parent or legal guardian of that witness;
 - (b) on an application of an interested person; or
 - (c) on the coroner's own initiative.

Entitlement to examine witnesses

19.—(1) A coroner must allow any interested person who so requests, to examine any witness either in person or by the interested person's representative.

(2) A coroner must disallow any question put to the witness which the coroner considers irrelevant.

Evidence given on oath or affirmation

20.—(1) A witness providing evidence at an inquest hearing shall be examined by the coroner on oath or affirmation subject to paragraph (2).

(2) A child under the age of 14, or a child aged 14 or over who is considered by the coroner to be unable to understand the nature of an oath or affirmation, may, on promising to tell the truth, be permitted to give unsworn evidence.

Examination of witnesses

21. Unless the coroner otherwise determines, a witness at an inquest hearing must be examined in the following order—

- (a) first by the coroner;
- (b) then by any interested person who has asked to examine the witness; and
- (c) if the witness is represented at the inquest, lastly by the witness's representative.

Self incrimination

22.—(1) No witness at an inquest is obliged to answer any question tending to incriminate him or her.

(2) Where it appears to the coroner that a witness has been asked such a question, the coroner must inform the witness that he or she may refuse to answer it.

Written evidence

23.—(1) Written evidence as to who the deceased was and how, when and where the deceased came by his or her death is not admissible unless the coroner is satisfied that—

- (a) it is not possible for the maker of the written evidence to give evidence at the inquest hearing at all, or within a reasonable time;
- (b) there is a good and sufficient reason why the maker of the written evidence should not attend the inquest hearing;
- (c) there is a good and sufficient reason to believe that the maker of the written evidence will not attend the inquest hearing; or
- (d) the written evidence (including evidence in admission form) is unlikely to be disputed.

(2) Before admitting such written evidence the coroner must announce at the inquest hearing—

- (a) what the nature of the written evidence to be admitted is;

- (b) the full name of the maker of the written evidence to be admitted in evidence;
- (c) that any interested person may object to the admission of any such written evidence; and
- (d) that any interested person is entitled to see a copy of any written evidence if he or she so wishes.

(3) A coroner must admit as evidence at an inquest hearing any document made by a deceased person if the coroner is of the opinion that the contents of the document are relevant to the purposes of the inquest.

(4) A coroner may direct that all or parts only of any written evidence submitted under this rule may be read aloud at the inquest hearing.

Inquiry findings

24.—(1) A coroner may admit the findings of an inquiry, including any inquiry under the Inquiries Act 2005(a), if the coroner considers them relevant to the purposes of the inquest.

(2) Before admitting such inquiry findings as evidence, the coroner must announce publicly that—

- (a) the findings of the inquiry may be admitted as evidence;
- (b) the title of the inquiry, date of publication and a brief account of the findings; and
- (c) that any interested person is entitled to see a copy of the inquiry findings if he or she so wishes.

Adjournment and resumption of an inquest

25.—(1) A coroner may adjourn an inquest if the coroner is of the view that it is reasonable to do so.

(2) The coroner must inform the next of kin or personal representative of the deceased and any other interested persons who have made themselves known to the coroner as soon as reasonably practicable of the decision to adjourn, the date of the decision to adjourn and the reason for the adjournment.

(3) The coroner must inform the next of kin or personal representative of the deceased and any other interested persons who have made themselves known to the coroner as soon as reasonably practicable of the date, time and place at which an adjourned inquest is to be resumed.

(4) A coroner must adjourn an inquest and notify the Director of Public Prosecutions, if during the course of the inquest, it appears to the coroner that the death of the deceased is likely to have been due to a homicide offence and that a person may be charged in relation to the offence.

Recording inquest hearings

26. A coroner must keep a recording of every inquest hearing, including any pre-inquest review hearing.

No address as to facts

27. No person may address the coroner or the jury as to the facts of who the deceased was and how, when and where the deceased came by his or her death.

(a) 2005 c.12.

PART 5

Jury inquests

28. This Part applies to inquests heard or to be heard with a jury.

Method of summoning jurors

29.—(1) A juror must be summoned using Form 1.

(2) Form 1 must be sent by post with a return envelope, to the juror or delivered by hand at his or her address as shown in the electoral register.

Summoning in exceptional circumstances

30. If it appears to the coroner that a jury will be, or probably will be, incomplete, the coroner may require any persons up to the number needed who are in, or in the vicinity of, the place of the inquest hearing to be summoned (without any written notice) for jury service.

Certificate of attendance

31. A person duly attending an inquest hearing to serve on a jury in compliance with a summons issued under rule 29 or rule 30 is entitled on request to the coroner to a certificate recording that fact.

Validity of proceedings where jury not present

32. Where an inquest hearing begins without a jury but a jury is subsequently summoned, the validity of anything done by the coroner before the jury was summoned is still effective.

Summing up and directions to the jury

33. Where the coroner sits with a jury, the coroner must direct the jury as to the law and provide the jury with a summary of the evidence.

PART 6

Record

Record of the inquest

34. A coroner or in the case of an inquest heard with a jury, the jury, must make a determination and any findings required under section 10 using Form 2.

Signed by the Lord Chief Justice

1st July 2013
I agree

Judge, LJ
Lord Chief Justice

Signed by authority of the Lord Chancellor

Helen Grant

SCHEDULE

Rules 29 and 34

Form 1

Juror Summons

Coroner (insert name) summons—

(insert juror name) of (insert juror address)

You are hereby summoned to appear before him or her as a juror on (insert date, time and place) until you are no longer needed.

You must attend at the date, time and place specified above unless you are told by an officer authorised by the coroner that you do not need to do so.

Date:

Coroner:

Coroner signature:

YOU MUST COMPLETE THE ATTACHED FORM AND RETURN IT TO (Insert name of the officer authorised by the coroner) IN THE ENVELOPE PROVIDED WITHIN THREE DAYS OF THE RECEIPT OF THIS SUMMONS

WARNING: IT IS AN OFFENCE TO SERVE ON A JURY AT AN INQUEST IF YOU ARE DISQUALIFIED FROM JURY SERVICE (SEE DETACHABLE FORM BELOW) AND KNOW THAT YOU ARE DISQUALIFIED FROM JURY SERVICE.

A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

IT IS AN OFFENCE TO REFUSE WITHOUT REASONABLE EXCUSE TO ANSWER THE QUESTIONS IN THE DETACHABLE FORM AS TO WHETHER YOU ARE QUALIFIED TO SERVE AS A JUROR AT THE INQUEST, TO GIVE AN ANSWER TO SUCH A QUESTION KNOWING THE ANSWER TO BE FALSE IN A MATERIAL PARTICULAR, OR RECKLESSLY TO GIVE AN ANSWER TO SUCH A QUESTION THAT IS FALSE IN A MATERIAL PARTICULAR.

A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

IT IS AN OFFENCE FOR A PERSON WHO IS DULY SUMMONED AS A JUROR AT AN INQUEST TO MAKE ANY FALSE REPRESENTATION, OR TO CAUSE OR PERMIT TO BE MADE ANY FALSE REPRESENTATION ON YOUR BEHALF WITH THE INTENTION OF EVADING SERVICE AS A JUROR AT AN INQUEST.

A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

IT IS AN OFFENCE FOR A PERSON TO MAKE OR CAUSE TO BE MADE, ON BEHALF OF A PERSON WHO HAS BEEN DULY SUMMONED AS A JUROR AT AN INQUEST, ANY FALSE REPRESENTATION WITH THE INTENTION OF ENABLING THE OTHER PERSON TO EVADE SERVICE AS A JUROR AT AN INQUEST.

A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A coroner may impose a fine not exceeding £1000 on you if you fail without reasonable excuse to attend in accordance with the summons, or attend in accordance with the summons but refuse without reasonable excuse to serve as a juror. A fine may not be imposed under this paragraph unless the summons was served on you not later than 14 days before the day on which you were/ are required to attend.

≤DETACHABLE FORM≥

This form should be returned in the envelope provided within three days of receiving it.

Jurors details—

Surname:

Forename:

Date of birth:

Address:

Telephone number:

(If possible please provide a telephone number where you can be contacted between 9a.m. and 5p.m.)

INFORMATION GIVEN WILL BE TREATED IN THE STRICTEST CONFIDENCE

YOU ARE QUALIFIED for jury service if you—

- (a) are not less than eighteen not more than seventy years of age;
(if you will be under eighteen on or have reached your seventieth birthday by the date on which your appearance is required you will NOT be eligible to serve as a juror)
- (b) are registered as a parliamentary or local government elector;
- (c) have lived in the United Kingdom, the Channel Islands or the Isle of Man for a period of at least five years since attaining the age of thirteen; and
- (d) are not one of the persons described in Parts I and II of Schedule 1 to the Juries Act 1974.

1. Are you QUALIFIED to serve as a juror? Please tick the appropriate:

YES

NO

If you have answered NO to question 1, please answer question 2 and sign the form at the end.

If you have answered YES and wish to be excused from jury service on this occasion, please go to question 3 below and then sign the form at the end.

2. I AM NOT QUALIFIED to serve on a jury because—

3. YOU ARE ENTITLED TO BE EXCUSED if you—

(a) are a full time serving member of Her Majesty's navy, military or air forces and your commanding officer certifies that it would be prejudicial to the efficiency of the service if you were required to be absent from duty;

(b) are a coroner within the same coroner area in which you have been summoned to attend as a juror; or

(c) are otherwise excused from attending by the coroner before whom you are summoned.

YOU MAY BE EXCUSED at the discretion of the Coroner or of the officer authorised by the Coroner on the grounds of poor health, illness, physical disability, insufficient understanding of English, holiday arrangements or any other good reason.

I WISH TO BE EXCLUDED from jury service on this occasion because—

(if you have any doubts as to whether you may be excused from jury service please write to the officer authorised by the Coroner at the address on the front of the summons.)

When you attend as a juror you may be discharged if there is doubt as to your capacity to serve on a jury because of physical disability or insufficient understanding of English.

I HAVE READ THE WARNING IN THE SUMMONS AND THE INFORMATION I HAVE GIVEN IS TRUE.

Signed:

Dated:

Form 2
Record of an inquest

The following is the record of the inquest (including the statutory determination and, where required, findings)—

1. Name of the deceased (if known):
2. Medical cause of death:
3. How, when and where, and for investigations where section 5(2) of the Coroners and Justice Act 2009 applies, in what circumstances the deceased came by his or her death: (see note (ii)):
4. Conclusion of the coroner/ jury as to the death: (see notes (i) and (ii)):
5. Further particulars required by the Births and Deaths Registration Act 1953 to be registered concerning the death:

1.	2.	3.	4.	5.	6.
Date and place of death	Name and surname of deceased	Sex	Maiden surname of woman who has married	Date and place of birth	Occupation and usual address

Signature of coroner (and jurors):

NOTES:

(i) One of the following short-form conclusions may be adopted:—

- I. accident or misadventure
- II. alcohol / drug related
- III. industrial disease
- IV. lawful/ unlawful killing
- V. natural causes
- VI. open
- VII. road traffic collision
- VIII. stillbirth
- IX. suicide

(ii) As an alternative, or in addition to one of the short-form conclusions listed under NOTE (i), the coroner or where applicable the jury, may make a brief narrative conclusion.

(iii) The standard of proof required for the short form conclusions of “unlawful killing” and “suicide” is the criminal standard of proof. For all other short-form conclusions and a narrative statement the standard of proof is the civil standard of proof.

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules regulate the practice and procedure relating to inquests conducted as part of an investigation into a death under the Coroners and Justice Act 2009 (“the 2009 Act”). These Rules set out the procedure for managing the proceedings at an inquest and make provision relating to the disclosure of documents at an inquest and provision relating to inquests heard with a jury.

Part 1 of the 2009 Act introduces a new regime for death investigations and inquests, which replaces the Coroners Act 1988 and the Coroners Rules 1984. Under the 2009 Act a coroner must conduct an investigation into violent or unnatural deaths, deaths where the cause is unknown and deaths which occur in custody or otherwise in state detention. In certain cases this investigation will include the coroner holding an inquest.

These Rules form part of a package of new rules and regulations made under the 2009 Act which come into force at the same time as the 2009 Act. The Coroners (Investigation) Regulations 2013 regulate the practice and procedure relating to investigations and the Coroners Allowances, Fees and Expenses Regulations 2013 set out the allowances, fees and expenses payable in relation to investigations and inquests.

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