
STATUTORY INSTRUMENTS

2013 No. 1629

The Coroners (Investigations) Regulations 2013

PART 3

Post-mortem examinations

Delay in post-mortem examination to be avoided

11. A coroner who considers that a post-mortem examination should be made under section 14, shall request a suitable practitioner to make that post-mortem examination as soon as reasonably practicable.

Post-mortem examination where homicide offence is suspected

12. Where a coroner is informed by a chief officer of police that a homicide offence is suspected in connection with the death of the deceased, the coroner must consult that chief officer of police about who should make the post-mortem examination.

Notification of post-mortem examination

13.—(1) Where a coroner has requested a suitable practitioner to make a post-mortem examination, the coroner must notify the persons or bodies listed in paragraph (3) of the date, time and place at which that post-mortem examination is to be made.

(2) A coroner need not give such notification, where it is impracticable or where to do so would cause the post-mortem examination to be unreasonably delayed.

(3) The persons to be notified are—

- (a) the next of kin or the personal representative of the deceased or any other interested person who has notified the coroner in advance of his or her desire to be represented at the post-mortem examination;
- (b) the deceased's regular medical practitioner, if he or she has notified the coroner of his or her desire to be represented at the post-mortem examination;
- (c) if the deceased died in hospital, that hospital;
- (d) if the death of the deceased may have been caused by an accident or disease which must be reported to an enforcing authority, to that enforcing authority or the appropriate inspector or representative of that authority;
- (e) a Government department which has notified the coroner of its desire to be represented at the examination; and
- (f) if the chief officer of police has notified the coroner of his or her desire to be represented at the examination, the chief officer of police.

(4) Any of the persons or bodies listed in paragraph (3) are entitled to be represented at a post-mortem examination by a medical practitioner, or if they are a medical practitioner, may attend themselves.

- (5) The following persons may attend a post-mortem examination—
- (a) A representative of the chief officer of police from the police force of which he or she is chief officer; and
 - (b) any other person including a trainee doctor, medical student or other medical practitioner but only with the consent of the coroner.

Preservation or retention of material from a post-mortem examination

14.—(1) Where a suitable practitioner conducts a post-mortem examination under section 14 and preserves or retains material which in his or her opinion relates to the cause of death or identity of the deceased, he or she must provide the coroner with written notification of that fact.

(2) A suitable practitioner who preserves or retains material under paragraph (1) must provide the coroner with a written notification that—

- (a) identifies the material being preserved or retained; and
 - (b) explains why that practitioner is of the opinion set out in paragraph (1).
- (3) A written notification under paragraph (2) may—
- (a) specify the period of time for which the suitable practitioner believes the material should be preserved or retained; and
 - (b) specify different periods of time in relation to different preserved or retained material.

(4) On receiving a notification under paragraph (1), the coroner must notify the suitable practitioner of the period of time for which he or she requires the material to be preserved or retained for the purposes of fulfilling his or her functions under the 2009 Act.

- (5) On making the notification under paragraph (4) the coroner must also notify, where known—
- (a) the next of kin or personal representative of the deceased; and
 - (b) any other relative of the deceased who has notified the coroner of his or her desire to be represented at the post-mortem examination,

that material is being preserved or retained, the period or periods for which it is required to be preserved or retained and the options for dealing with the material under paragraph (6) once the period or periods of preservation or retention has or have expired.

- (6) The options for dealing with material are—
- (a) disposal of the material by burial, cremation or other lawful disposal by the suitable practitioner;
 - (b) return of the material to a person listed in sub-paragraph (a) or (b) of paragraph (5); or
 - (c) retention of the material with the consent of a person listed in sub-paragraph (a) or (b) of paragraph (5) for medical research or other purposes in accordance with the Human Tissue Act 2004⁽¹⁾.

Further provisions relating to preservation or retention of material from post-mortem examinations

- 15.**—(1) A coroner who—
- (a) receives a request from a prosecuting authority, Provost Marshal or the Director of Service Prosecutions under paragraph 1 of Schedule 1 to suspend an investigation because a person may be charged with an offence in relation to the death of the deceased; or

(1) 2004 c.30.

(b) becomes aware or is informed under paragraph 2 of Schedule 1 that a person has been charged with an offence in relation to, or connected with, the death of the deceased, must notify the chief officer of police or prosecuting authority, of any period for which the coroner requires material to be preserved or retained under regulation 14(4).

(2) Where the coroner is informed that a public inquiry is to be held instead of an inquest, the coroner must notify the chairman of that inquiry of any period for which the coroner requires material to be preserved or retained under regulation 14(4).

(3) A coroner may from time to time vary a period notified under regulation 14(4) and must notify both the suitable practitioner and any person notified under regulation 14(5), 15(1) and 15(2) of the variation.

(4) Where a suitable practitioner has received a notification from a coroner under regulation 14(4) and the suitable practitioner believes that the material should be preserved or retained for a different period, the suitable practitioner may request that the coroner vary the time by providing a notification in accordance with regulation 14(2).

(5) Where a suitable practitioner has retained material in accordance with regulation 14 and the period notified under regulation 14(4) has expired, that suitable practitioner must record the fact that—

- (a) the material has been disposed by the suitable practitioner or on behalf of the suitable practitioner;
 - (b) the material has been delivered into the possession of a specified person; or
 - (c) the material has been dealt with in accordance with regulation 14(6).
- (6) Any record made by a suitable practitioner under paragraph (5) must be retained by him or her.

Post-mortem examination report

16.—(1) A suitable practitioner, on completion of a post-mortem examination, must report to the coroner as soon as practicable after the examination has been made.

(2) Unless authorised in writing by the coroner, the suitable practitioner who made the post-mortem examination may not supply any other person with the post-mortem examination report or any copy of that report.

Discontinuance of investigation where cause of death is revealed by post-mortem examination

17. Where a coroner discontinues an investigation in accordance with section 4(1) because the post-mortem examination reveals the cause of death, the coroner must record the cause of death and notify the next of kin or personal representative of the deceased using Form 2.