



Coroners Act 1988

1988 CHAPTER 13

Coroners

1 Appointment of coroners.

[^{F1}(1) Coroners shall be appointed—

- (a) for each coroner's district in a metropolitan county, [^{F2}in a special non-metropolitan county or in]] Greater London or Wales;
- (b) for each coroner's district constituted by an order under section 17 of the Local Government Act 1992 which lies partly in each of two or more non-metropolitan counties;
- (c) for each non-metropolitan county in England [^{F3}, other than a special non-metropolitan county,] none of which is included in such a coroner's district as is mentioned in paragraph (b) above;
- (d) in the case of a non-metropolitan county in England part of which is included in such a coroner's district as is mentioned in paragraph (b) above, for so much of that county as is not so included; and
- (e) for the City.

(1A) Coroners shall be appointed by the relevant council, that is to say—

- (a) in the case of a coroner's district consisting of or included in a metropolitan district [^{F4}, special non-metropolitan district] or London borough, the council of that district or borough;
- (b) in the case of a coroner's district consisting of two or more metropolitan districts [^{F5}, special non-metropolitan districts] or London boroughs, such one of the councils of those districts or boroughs as may be designated by an order made by the Secretary of State by statutory instrument;
- (c) in the case of a coroner's district consisting of or included in a Welsh principal area, the council of that area;
- (d) in the case of a coroner's district lying partly in each of two or more Welsh principal areas, such one of the councils of those areas as may be designated by an order made by the Secretary of State by statutory instrument;

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- (e) in a case falling within subsection (1)(b) above, such one of the councils of the non-metropolitan counties in question as may be designated by an order under section 17 of the Local Government Act 1992;
 - (f) in a case falling within subsection (1)(c) or (d) above, the council of the non-metropolitan county in question; and
 - (g) in the case of the City, the Common Council.
- (2) A relevant council falling within paragraph (a) or (b) of [F6 subsection (1A)] above shall not appoint a coroner except with the approval of the Secretary of State; and a relevant council falling within paragraph (b) [F7 (d) or (e)] of that subsection shall not appoint a coroner except after consultation with the other council or councils in question.
- (3) Subject to subsection (2) above, where a vacancy occurs in the office of coroner, the relevant council shall—
- (a) immediately give notice of the vacancy to the Secretary of State;
 - (b) within three months of the vacancy occurring or within such further period as the Secretary of State may allow, appoint a person to that office; and
 - (c) immediately after making the appointment, give notice of the appointment to the Secretary of State.

Textual Amendments

- F1 S.1(1)(1A) substituted (1.4.1996) for s. 1(1) by S.I. 1996/655, reg. 2(2)
- F2 Words in s. 1(1)(a) inserted (1.4.1998) by S.I. 1998/465, reg. 2(2)
- F3 Words in s. 1(1)(c) inserted (1.4.1998) by S.I. 1998/465, reg. 2(3)
- F4 Words in s. 1(1A)(a) inserted (1.4.1998) by S.I. 1998/465, reg. 2(4)
- F5 Words in s. 1(1A)(b) inserted (1.4.1998) by S.I. 1998/465, reg. 2(5)
- F6 Words in s. 1(2) substituted (1.4.1996) by S.I. 1996/655, reg. 2(3)
- F7 Words in s. 1(2) substituted (1.4.1996) by S.I. 1996/655, reg. 2(3)

2 Qualifications for appointment as coroner.

- (1) No person shall be qualified to be appointed as coroner [F8 unless—
- (a) he has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or
 - (b) he is a] legally qualified medical practitioner of not less than five years' standing . . . F9.
- (2) A person shall, so long as he is a councillor of a metropolitan district [F10, special non-metropolitan district] or London borough, and for six months after he ceases to be one, be disqualified for being a coroner for a coroner's district which consists of, includes or is included in that metropolitan district [F10, special non-metropolitan district] or London borough.
- [F11(2A) A person shall, so long as he is a councillor of a Welsh principal area, and for six months after he ceases to be one, be disqualified for being a coroner for a coroner's district which, or any part of which, falls within that area.]
- (3) A person shall, so long as he is an alderman or a councillor of a non-metropolitan county [F12 in England], and for six months after he ceases to be one, be disqualified [F13 (a) in the case of a county none of which is included in such a coroner's district as is mentioned in section 1(1)(b) above, for being a coroner for that county;

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- (b) in the case of a county the whole or part of which is included in such a coroner's district as is mentioned in section 1(1)(b) above, for being a coroner for that coroner's district and for so much of that county (if any) as is not so included.]
- (4) A person shall, so long as he is an alderman of the City or a common councillor, and for six months after he ceases to be one, be disqualified for being a coroner for the City.

Textual Amendments

- F8** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 70**
- F9** Words repealed by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(7), **Sch. 20**
- F10** Words in s. 2(2) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(6)**
- F11** S. 2(2A) inserted (from 3.4.1995 to 1.4.1996 for specified purposes only and thereafter wholly in force) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(4), **Sch. 5** (with art. 9(5))
- F12** Words in s. 2(3) inserted (from 3.4.1995 to 1.4.1996 for specified purposes only and thereafter wholly in force) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(4), **Sch. 5** (with art. 9(5))
- F13** Words in s. 2(3) substituted (1.4.1996) by S.I. 1996/655, **reg. 2(4)**

Modifications etc. (not altering text)

- C1** S. 2(2)(3) extended (E.) (6.5.2002) by S.I. 2002/975, **reg. 2(a)**

3 Terms on which coroners hold office.

- (1) The provisions of Schedule 1 to this Act shall have effect with respect to the payment of salaries and the grant of pensions to coroners.
- (2) Except as authorised by this or any other Act, a coroner shall not take any fee or remuneration in respect of anything done by him in the execution of his office.
- (3) A coroner may resign his office by giving notice in writing to the relevant council, but the resignation shall not take effect unless and until it is accepted by that council.
- (4) The Lord Chancellor may, if he thinks fit, remove any coroner from office for inability or misbehaviour in the discharge of his duty.
- (5) A coroner who is guilty of corruption, wilful neglect of his duty or misbehaviour in the discharge of his duty shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.
- (6) Where a coroner is convicted of an offence under subsection (5) above, the court may, unless his office as coroner is annexed to any other office, order that he be removed from office and be disqualified for acting as coroner.

4 Coroners' districts.

- (1) The Secretary of State may by order divide, amalgamate or otherwise alter the coroners' districts for the time being existing in a metropolitan county [^{F14}, special non-metropolitan county] or Greater London; and before making any such order, the Secretary of State shall consult the councils and coroners appearing to him to be affected by the order and such other persons as he thinks appropriate.

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- (2) The council of a non-metropolitan county [^{F15}in England] may, and shall if directed to do so by the Secretary of State, after complying with such requirements as to notice and consideration of objections as may be prescribed, submit to the Secretary of State a draft order providing—
- (a) for such alteration of any existing division of the county into coroners' districts as appears to them suitable; or
 - (b) where there is no such division, for the division of the county into such coroners' districts as they think expedient;
- and the Secretary of State, after taking into consideration any objections to the draft made in the prescribed manner and within the prescribed time, may make the order, either in the terms of the draft submitted to him or with such modifications as he thinks fit.
- (3) If by reason of any order under subsection (2) above it is in the opinion of the Secretary of State necessary that the number of coroners for a non-metropolitan county should be increased,
- (a) the council shall appoint such number of additional coroners for that county as the Secretary of State may direct; and
 - (b) section 1(3) above shall apply with respect to any such appointment as if a vacancy had occurred in the office of coroner for that county.
- (4) Where a non-metropolitan county [^{F15}in England] is divided into coroners' districts, each of the coroners for that county shall be assigned to one of those districts; and where a non-metropolitan county is not so divided, the following provisions of this Act shall have effect as if the whole of that county were a coroner's district.
- (5) Except as provided by this Act, a coroner appointed for or assigned to a coroner's district—
- (a) shall for all purposes be regarded as a coroner for the whole administrative area [^{F16}in England] which includes that district; and
 - (b) shall have the same jurisdiction, rights, powers and authorities throughout that area as if he had been appointed as coroner for that area or, as the case may be, had not been assigned to that district.
- ^{F17}(5A) Subsections (2) to (5) above shall not apply to a non-metropolitan county the whole of which is included in such a coroner's district as is mentioned in section 1(1)(b) above [^{F18}or a special non-metropolitan county]].
- (5B) In the application of this section to a non-metropolitan county part of which is included in such a coroner's district as is mentioned in section 1(1)(b) above, any reference in subsections (2)(a) and (b), (3) and (4) to a county shall be construed as a reference to so much of that county as is not so included.
- (6) The power to make orders under this section shall be exercisable by statutory instrument; and a statutory instrument containing an order under this section shall be laid before each House of Parliament after being made.
- (7) An order under subsection (2) above shall be published in the London Gazette and particulars of any order under that subsection shall be published by the council of the non-metropolitan county in such manner as may be prescribed.
- (8) In this section "prescribed" means prescribed by the Secretary of State either by general rules made by statutory instrument or by directions given as respects any particular occasion.

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Textual Amendments

- F14** Words in s. 4(1) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(7)**
- F15** Words in s. 4(2) and (4) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(4)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/852, art. 9(1), **Sch. 5** (with art. 9(5))
- F16** Words in s. 4(5)(a) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(4)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/852, art. 9(1), **Sch. 5** (with art. 9(5))
- F17** S. 4(5A)(5B) inserted (1.4.1996) by S.I. 1996/655, **reg. 2(5)**
- F18** Words in s. 4(5A) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(8)**

[4A] ^{F19}Coroners' districts: Wales.

- (1) The Secretary of State may by order divide, amalgamate or otherwise alter—
 - (a) any coroner's district for the time being existing in Wales; or
 - (b) any such coroners' districts.
- (2) Before making any order under subsection (1) above, the Secretary of State shall consult the councils and coroners appearing to him to be affected by the order and such other persons as he thinks appropriate.
- (3) The Secretary of State may, in relation to any area in Wales (the "review area"), direct the council or councils for each Welsh principal area which, or any part of which, falls within the review area to consider any of the following questions—
 - (a) whether any alteration should be made in a boundary between coroners' districts which falls within the review area;
 - (b) whether a new coroner's district should be created for the whole or any part of the review area;
 - (c) whether a coroner's district which falls wholly within the review area should be abolished.
- (4) The council or councils to whom such a direction is given shall submit their conclusions to the Secretary of State, together with a statement of their reasons for reaching those conclusions.
- (5) In making an order under subsection (1) above in a case where he has given a direction under subsection (3) above, the Secretary of State shall have regard to any proposals made to him under subsection (4) above.
- (6) Where the Secretary of State intends to give effect to any such proposals without modification, subsection (2) above shall not require him to consult the council or councils who made those proposals.
- (7) An order made under subsection (1) above may make such incidental, consequential, transitional or supplemental provision as appears to the Secretary of State to be appropriate.
- (8) Except as provided by this Act, a coroner appointed for any coroner's district in Wales—
 - (a) shall for all purposes be regarded as a coroner for the whole of Wales; and
 - (b) shall have the same jurisdiction, rights, powers and authorities throughout Wales as if he had been appointed as coroner for the whole of Wales.

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- (9) The power to make orders under this section shall be exercisable by statutory instrument.
- (10) Any such statutory instrument shall be laid before each House of Parliament after being made.]

Textual Amendments

F19 S.4A inserted (3.4.1995 in respect of the insertion of s. 4A(1)(2)(7)(9)(10) and 1.4.1996 otherwise) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**; S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C2 S.4A restricted (3.4.1995) by 1994 c. 19, s. 66(7), **Sch. 17 Pt. II para. 23(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**

5 Jurisdiction of coroners.

- (1) Subject to subsection (3) and sections 7 and 13 to 15 below, an inquest into a death shall be held only by the coroner within whose district the body lies.
- (2) Subject to subsection (3) and section 13 below, a coroner shall hold inquests only within his district.
- (3) A coroner may act as coroner for another district in the same administrative area—
- during the illness, incapacity or unavoidable absence of the coroner for that district; or
 - where there is a vacancy in the office of coroner for that district;
- and the inquisition returned in respect of an inquest held under this subsection shall certify the cause of the coroner's holding the inquest and shall be conclusive evidence of any matter stated in it which falls within paragraph (a) or (b) above.

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