



# Coroners Act 1988

## 1988 CHAPTER 13

### *Inquests: general*

#### **8 Duty to hold inquest.**

- (1) Where a coroner is informed that the body of a person (“the deceased”) is lying within his district and there is reasonable cause to suspect that the deceased—
- has died a violent or an unnatural death;
  - has died a sudden death of which the cause is unknown; or
  - has died in prison or in such a place or in such circumstances as to require an inquest under any other Act,

then, whether the cause of death arose within his district or not, the coroner shall as soon as practicable hold an inquest into the death of the deceased either with or, subject to subsection (3) below, without a jury.

- (2) In the case of an inquest with a jury—
- the coroner shall summon by warrant not less than seven nor more than eleven persons to appear before him at a specified time and place, there to inquire as jurors into the death of the deceased; and
  - when not less than seven jurors are assembled, they shall be sworn by or before the coroner diligently to inquire into the death of the deceased and to give a true verdict according to the evidence.
- (3) If it appears to a coroner, either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is reason to suspect—
- that the death occurred in prison or in such a place or in such circumstances as to require an inquest under any other Act;
  - that the death occurred while the deceased was in police custody, or resulted from an injury caused by a police officer in the purported execution of his duty;
  - that the death was caused by an accident, poisoning or disease notice of which is required to be given under any Act to a government department, to any inspector or other officer of a government department or to an inspector

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appointed under section 19 of the <sup>M1</sup>Health and Safety at Work etc. Act 1974;  
or

- (d) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public,

he shall proceed to summon a jury in the manner required by subsection (2) above.

- (4) If it appears to a coroner, [<sup>F1</sup>before he proceeds to hold an inquest, on resuming an inquest begun with a jury after the inquest has been adjourned and the jury discharged] or in the course of an inquest begun without a jury, that there is any reason for summoning a jury, he may proceed to summon a jury in the manner required by subsection (2) above.
- (5) In the case of an inquest or any part of an inquest held without a jury, anything done by or before the coroner alone shall be as validly done as if it had been done by or before the coroner and a jury.
- (6) Where an inquest is held into the death of a prisoner who dies within a prison, neither a prisoner in the prison nor any person engaged in any sort of trade or dealing with the prison shall serve as a juror at the inquest.

**Textual Amendments**  
**F1** Words in s. 8(4) substituted (1.1.2000) by 1999 c. 22, s. 71(2) (with s. 107, Sch. 14 para. 7(2)); S.I. 1999/3344, art. 2(b)

**Marginal Citations**  
**M1** 1974 c.37.

**9 Qualifications of jurors.**

- (1) A person shall not be qualified to serve as a juror at an inquest held by a coroner unless he is for the time being qualified to serve as a juror in the Crown Court, the High Court and county courts in accordance with section 1 of the <sup>M2</sup>Juries Act 1974.
- (2) <sup>F2</sup> .....
- (3) If a person serves on a jury knowing that he is disqualified for such service under Part II of that Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The appropriate officer may at any time put or cause to be put to any person who is summoned under section 8 above such questions as he thinks fit in order to establish whether or not the person is qualified to serve as a juror at an inquest.
- (5) Where a question is put to any person under subsection (4) above, if that person—
  - (a) refuses without reasonable excuse to answer;
  - (b) gives an answer which he knows to be false in a material particular; or
  - (c) recklessly gives an answer which is false in a material particular,he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) If any person—

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- (a) duly summoned as a juror at an inquest makes, or causes or permits to be made on his behalf, any false representation to the coroner or the appropriate officer with the intention of evading service as such juror; or
- (b) makes or causes to be made on behalf of another person who has been so summoned any false representation to the coroner or the appropriate officer with the intention of enabling that other person to evade such service,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (7) A coroner may authorise a person to perform the functions conferred on the appropriate officer by subsection (4) above and references in this section to the appropriate officer shall be construed as references to the person so authorised.

#### Textual Amendments

**F2** S. 9(2) repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336(3), [Sch. 37 Pt. 10](#); S.I. 2004/829, [art. 2\(2\)\(I\)\(iv\)](#)

#### Marginal Citations

**M2** 1974 c.23.

## 10 Attendance of jurors and witnesses.

- (1) Where a person duly summoned as a juror at an inquest—
- (a) does not, after being openly called three times, appear to the summons; or
  - (b) appears to the summons but refuses without reasonable excuse to serve as a juror,
- the coroner may impose on that person a fine not exceeding [<sup>F3</sup>£1,000].
- (2) Where a person duly summoned to give evidence at an inquest—
- (a) does not, after being openly called three times, appear to the summons; or
  - (b) appears to the summons but refuses without lawful excuse to answer a question put to him,
- the coroner may impose on that person a fine not exceeding [<sup>F3</sup>£1,000].
- (3) The powers conferred upon a coroner by this section shall be in addition to and not in derogation of any other power which the coroner may possess—
- (a) for compelling any person to appear and give evidence before him in any inquest or other proceeding; or
  - (b) for punishing any person for contempt of court in not so appearing and giving evidence;
- but a person shall not be fined by the coroner under this section and also be punished under any such other power.
- (4) Notwithstanding anything in the foregoing provisions of this section, a juror shall not be liable to any penalty for non-attendance on a coroner's jury unless the summons requiring him to attend was duly served on him no later than six days before the day on which he was required to attend.

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### Textual Amendments

- F3** Words in s. 10(1)(2) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), [Sch. 4 Pt. I](#) (with s. 28); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

### Modifications etc. (not altering text)

- C1** [S. 10\(1\)\(2\)](#): power to amend conferred (1.10.1992) by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 143, [Sch. 6A](#) (as substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 17(3), [Sch. 4 Pt. IV](#) (with s. 28)); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#).

## 11 Proceedings at inquest.

- (1) It shall not be obligatory for a coroner holding an inquest into a death to view the body; and the validity of such an inquest shall not be questioned in any court on the ground that the coroner did not view the body.
- (2) The coroner shall, at the first sitting of the inquest, examine on oath concerning the death all persons who tender evidence as to the facts of the death and all persons having knowledge of those facts whom he considers it expedient to examine.
- (3) In the case of an inquest held with a jury, the jury shall, after hearing the evidence—
  - (a) give their verdict and certify it by an inquisition; and
  - (b) inquire of and find the particulars for the time being required by the <sup>M3</sup>Births and Deaths Registration Act 1953 (in this Act referred to as “the 1953 Act”) to be registered concerning the death.
- (4) In the case of an inquest held without a jury, the coroner shall, after hearing the evidence—
  - (a) give his verdict and certify it by an inquisition; and
  - (b) inquire of and find the particulars for the time being required by the 1953 Act to be registered concerning the death.
- (5) An inquisition—
  - (a) shall be in writing under the hand of the coroner and, in the case of an inquest held with a jury, under the hands of the jurors who concur in the verdict;
  - (b) shall set out, so far as such particulars have been proved—
    - (i) who the deceased was; and
    - (ii) how, when and where the deceased came by his death; and
  - (c) shall be in such form as the Lord Chancellor may by rules made by statutory instrument from time to time prescribe.
- (6) At a coroner’s inquest into the death of a person who came by his death by murder, manslaughter or infanticide, the purpose of the proceedings shall not include the finding of any person guilty of the murder, manslaughter or infanticide; and accordingly a coroner’s inquisition shall in no case charge a person with any of those offences.
- (7) Where an inquest into a death is held, the coroner shall, within five days after the finding of the inquest is given, send to the registrar of deaths a certificate under his hand—
  - (a) giving information concerning the death;

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- (b) specifying the finding with respect to the particulars which under the 1953 Act are required to be registered concerning the death and with respect to the cause of death; and
  - (c) specifying the time and place at which the inquest was held.
- (8) In the case of an inquest into the death of a person who is proved—
- (a) to have been killed on a railway; or
  - (b) to have died in consequence of injuries received on a railway,
- the coroner shall within seven days after holding the inquest, make a return of the death, including the cause of death, to the Secretary of State in such form as he may require; and in this subsection “railway” has the same meaning as in the <sup>M4</sup>Railway Regulation Act 1842.

#### Marginal Citations

**M3** 1953 c.20.

**M4** 1842 c.55.

## 12 Failure of jury to agree.

- (1) This section applies where, in the case of an inquest held with a jury, the jury fails to agree on a verdict.
- (2) If the minority consists of not more than two, the coroner may accept the verdict of the majority, and the majority shall, in that case, certify the verdict under section 11(3) above.
- (3) In any other case of disagreement the coroner may discharge the jury and issue a warrant for summoning another jury and, in that case, the inquest shall proceed in all respects as if the proceedings which terminated in the disagreement had not taken place.

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