

# CORONERS AND JUSTICE ACT 2009

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 1 - Coroners etc**

#### *Chapter 5: Further provisions to do with investigations and deaths*

#### *Section 32 and Schedule 5: Powers of coroners*

#### **Paragraphs 3 to 5: Power of entry, search and seizure**

249. *Paragraph 3* of Schedule 5 gives senior coroners a new, statutory power to enter and search land and seize items which are relevant to their investigations.
250. By *paragraph 3(1)*, a senior coroner has a power to enter and search particular land if he or she has authorisation from the Chief Coroner or from a senior coroner nominated by the Chief Coroner to give such permission. A record must be made of all authorisations sought and given (*paragraph 4*). (The matters recorded under paragraph 4 have to be included in the Chief Coroner's annual report to the Lord Chancellor: see section 36(4)(c).)
251. By *paragraph 3(2)*, the Chief Coroner, or a senior coroner to whom the power is delegated, may allow a coroner to enter and search premises only if that coroner has reason to suspect that there might be something on the premises relevant to the investigation. One of the conditions in *paragraph 3(3)* must also be met ie that the coroner must be unable to contact the person who could give permission to enter and search the premises; permission has already been refused; there is reason to believe that permission would be refused; or the purpose of the search would be frustrated or significantly prejudiced without immediate entry.
252. Under *paragraph 3(4)* a senior coroner has a power to seize anything on the land, or inspect or take copies of any documents that are relevant to the investigation.
253. *Paragraph 3(6)* extends the new statutory powers of entry, search and seizure to the Coroner for Treasure when investigating objects which may be treasure or treasure trove.
254. Under *paragraph 5(1)*, the power to seize items, inspect and take copies of documents under paragraph 3(4) can only be used if the person exercising it has reasonable grounds to believe that its exercise might assist the investigation and, in relation to seizure, that it is necessary to prevent the items from being hidden, lost, damaged, changed or destroyed.
255. Under *paragraph 5(2)*, the power in paragraph 3(4) to inspect and take copies of documents includes power to require information stored in electronic form on the premises, or accessible from the premises, to be produced in a form which can be taken

*These notes refer to the Coroners and Justice Act 2009  
(c.25) which received Royal Assent on 12 November 2009*

away and which enables it to be read or easily changed into a readable format. This would include for example printing copies of electronic documents or downloading copies of files from a computer so that they can be printed at a later date.

256. *Paragraph 5(3)* of Schedule 5 makes clear that the person exercising the power under paragraph 3 may not seize items which they believe to be subject to legal privilege.
257. Under *paragraph 5(4) and (5)*, items seized or taken away under paragraph 3 may be kept for as long as they are needed, and reasonable force may be used in the exercising of the power.