



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 1 **E+W+N.I.**

CORONERS ETC

CHAPTER 7 **E+W+N.I.**

SUPPLEMENTARY

Regulations and rules

43 Coroners regulations **E+W**

- (1) The Lord Chancellor may make regulations—
- for regulating the practice and procedure at or in connection with investigations under this Part (other than the practice and procedure at or in connection with inquests);
 - for regulating the practice and procedure at or in connection with examinations under section 14;
 - for regulating the practice and procedure at or in connection with exhumations under paragraph 6 of Schedule 5.

Regulations under this section are referred to in this Part as “Coroners regulations”.

- (2) Coroners regulations may be made only if—
- the Lord Chief Justice, or
 - a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) nominated for the purposes of this subsection by the Lord Chief Justice,
- agrees to the making of the regulations.
- (3) Coroners regulations may make—

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- (a) provision for the discharge of an investigation (including provision as to fresh investigations following discharge);
- (b) provision for or in connection with the suspension or resumption of investigations;
- (c) provision for the delegation by a senior coroner, area coroner or assistant coroner of any of his or her functions;
- (d) provision allowing information to be disclosed or requiring information to be given;
- (e) provision giving to the Lord Chancellor or the Chief Coroner power to require information from senior coroners;
- (f) provision requiring a summary of specified information given to the Chief Coroner by virtue of paragraph (e) to be included in reports under section 36;
- (g) provision with respect to the preservation, retention, release or disposal of bodies (including provision with respect to reinterment and with respect to the issue of orders authorising burial);
- (h) provision, in relation to authorisations under paragraph 3 of Schedule 5 or entry and search under such authorisations, equivalent to that made by any provision of sections 15 and 16 of the Police and Criminal Evidence Act 1984 (c. 60), subject to any modifications the Lord Chancellor thinks appropriate;
- (i) provision, in relation to the power of seizure conferred by paragraph 3(4)(a) of that Schedule, equivalent to that made by any provision of section 21 of that Act, subject to any modifications the Lord Chancellor thinks appropriate;
- (j) provision about reports under paragraph 7 of that Schedule.

This subsection is not to be read as limiting the power in subsection (1).

- (4) Coroners regulations may apply any provisions of Coroners rules.
- (5) Where Coroners regulations apply any provisions of Coroners rules, those provisions—
 - (a) may be applied to any extent;
 - (b) may be applied with or without modifications;
 - (c) may be applied as amended from time to time.

Commencement Information

II S. 43 in force at 2.7.2013 by S.I. 2013/1628, art. 2(a)

PROSPECTIVE

44 Treasure regulations **E+W**

- (1) The Lord Chancellor may make regulations for regulating the practice and procedure at or in connection with investigations under this Part concerning objects that are or may be treasure or treasure trove (other than the practice and procedure at or in connection with inquests concerning such objects).

Regulations under this section are referred to in this Part as “Treasure regulations”.

- (2) Treasure regulations may be made only if—
 - (a) the Lord Chief Justice, or

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(b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 (c. 4)) nominated for the purposes of this subsection by the Lord Chief Justice,

agrees to the making of the regulations.

(3) Treasure regulations may make—

- (a) provision for the discharge of an investigation (including provision as to fresh investigations following discharge);
- (b) provision for or in connection with the suspension or resumption of investigations;
- (c) provision for the delegation by the Coroner for Treasure (or an Assistant Coroner for Treasure) of any of his or her functions;
- (d) provision allowing information to be disclosed or requiring information to be given;
- (e) provision giving to the Lord Chancellor or the Chief Coroner power to require information from the Coroner for Treasure;
- (f) provision requiring a summary of specified information given to the Chief Coroner by virtue of paragraph (e) to be included in reports under section 36;
- (g) provision of the kind mentioned in paragraph (h) or (i) of section 43(3).

This subsection is not to be read as limiting the power in subsection (1).

(4) Treasure regulations may apply any provisions of Coroners rules.

(5) Where Treasure regulations apply any provisions of Coroners rules, those provisions—

- (a) may be applied to any extent;
- (b) may be applied with or without modifications;
- (c) may be applied as amended from time to time.

45 Coroners rules **E+W**

(1) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 (c. 4)—

(a) for regulating the practice and procedure at or in connection with inquests;

^{F1}(b)

^{F1}(c)

Rules under this section are referred to in this Part as “Coroners rules”.

(2) Coroners rules may make—

- (a) provision about evidence (including provision requiring evidence to be given on oath except in prescribed cases);
- (b) provision for the discharge of a jury (including provision as to the summoning of new juries following discharge);
- (c) provision for the discharge of an inquest (including provision as to fresh inquests following discharge);
- (d) provision for or in connection with the adjournment or resumption of inquests;
- (e) provision for a senior coroner to have power to give a direction, in proceedings [^{F2}in the course of] an inquest, allowing or requiring a name or other matter not to be disclosed except to persons specified in the direction;

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- [^{F3}(ea) provision for or in connection with the conduct of hearings wholly or partly by way of electronic transmission of sounds or images;]
- (f) provision for the delegation by—
- (i) a senior coroner, area coroner or assistant coroner, or
 - (ii) the Coroner for Treasure (or an Assistant Coroner for Treasure),
- of any of his or her functions, except for functions that involve making judicial decisions or exercising any judicial discretion;
- (g) provision with respect to the disclosure of information;
- (h) provision for persons to be excused from service as jurors at inquests in cases specified in the rules;
- (i) provision as to the matters to be taken into account by the Coroner for Treasure in deciding whether to hold an inquest concerning an object that is or may be treasure or treasure trove;
- ^{F4}(j)
- [^{F5}(2A) Coroners rules that provide for members of a jury to take part in a hearing by way of electronic transmission of sounds or images must provide for all members of the jury to take part in that way while present at the same place.]
- (3) Coroners rules may make provision conferring power on a senior coroner or the Coroner for Treasure—
- (a) to give a direction excluding specified persons from an inquest, or part of an inquest, if the coroner is of the opinion that the interests of national security so require;
 - (b) to give a direction excluding specified persons from an inquest during the giving of evidence by a witness under the age of 18, if the coroner is of the opinion that doing so would be likely to improve the quality of the witness's evidence.
- In this subsection “specified persons” means persons of a description specified in the direction, or all persons except those of a description specified in the direction.
- (4) Subsections (2) and (3) are not to be read as limiting the power in subsection (1).
- (5) Coroners rules may apply—
- (a) any provisions of Coroners regulations;
 - (b) any provisions of Treasure regulations;
 - (c) any rules of court that relate to proceedings other than inquests.
- (6) Where any provisions or rules are applied by virtue of subsection (5), they may be applied—
- (a) to any extent;
 - (b) with or without modifications;
 - (c) as amended from time to time.
- (7) Practice directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 (c. 4) on any matter that could otherwise be included in Coroners rules.
- (8) Coroners rules may, instead of providing for a matter, refer to provision made or to be made by practice directions under subsection (7).

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(9) In this section “rules of court” include any provision governing the practice and procedure of a court that is made by or under an enactment.

Textual Amendments

- F1** S. 45(1)(b)(c) repealed (14.2.2012) by [Public Bodies Act 2011 \(c. 24\)](#), **ss. 33(2)**, 38(1)
- F2** Words in s. 45(2)(e) substituted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 40(4)**, 51(3)
- F3** S. 45(2)(ea) inserted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 41(2)**, 51(3)
- F4** S. 45(2)(j) repealed (14.2.2012) by [Public Bodies Act 2011 \(c. 24\)](#), **ss. 33(2)**, 38(1)
- F5** S. 45(2A) inserted (28.6.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), **ss. 41(3)**, 51(3)

Commencement Information

- I2** S. 45 in force at 2.7.2013 by [S.I. 2013/1628](#), **art. 2(b)**

Status:

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Changes to legislation:

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