
Status: Point in time view as at 12/11/2009.

Changes to legislation: There are currently no known outstanding effects for the Coroners and Justice Act 2009, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 22

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART 1

CORONERS ETC

Coroner areas

- 1 (1) Where an order is made under section 182(4) bringing into force the repeal of sections 1 to 7 of the 1988 Act (coroners, coroners' districts and deputy coroners), the Lord Chancellor must make an order under paragraph 1 of Schedule 2—
- (a) specifying as a coroner area the area of each coroner's district immediately before the repeal, and
 - (b) coming into force at the same time as the repeal.
- The order made by virtue of this sub-paragraph is referred to in this Schedule as the “transitional order”.
- (2) Paragraph 1(2) of Schedule 2 does not apply to the coroner areas specified in the transitional order.
- (3) The transitional order must specify, as the name of each coroner area, the name by which the corresponding coroner's district was known (but ending “coroner area” instead of “coroner's district”).
- (4) The transitional order must, in relation to each coroner area, contain the provision that may be made under paragraph 2(1)(b) of Schedule 3 (minimum number of assistant coroners).

Relevant authorities

- 2 (1) For the purposes of this Part, the “relevant authority” for each coroner area specified in the transitional order is the authority that was the relevant council under the 1988 Act for the corresponding coroner's district.
- (2) This paragraph does not apply in relation to a coroner area specified in any subsequent order under Schedule 2.

Senior and assistant coroners

- 3 (1) Sub-paragraphs (2) and (3) apply on the coming into force of the repeal by this Act of sections 1 to 7 of the 1988 Act.
- (2) A person who—
- (a) immediately before the repeal was the coroner for a district, and

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- (b) would, but for the repeal, continue in office,
 is to be treated as having been appointed under paragraph 1(1) of Schedule 3 as the senior coroner for the corresponding coroner area.
- (3) A person who—
- (a) immediately before the repeal was the deputy coroner or an assistant deputy coroner appointed by the coroner for a district, and
 - (b) would, but for the repeal, continue in office,
- is to be treated as having been appointed under paragraph 2(4) of Schedule 3 as an assistant coroner for the corresponding coroner area.
- (4) A person who—
- (a) becomes an assistant coroner as the result of sub-paragraph (3), and
 - (b) would accordingly (but for this sub-paragraph) be entitled to fees under paragraph 16 of Schedule 3,
- is instead entitled to a salary under paragraph 15 of that Schedule if immediately before becoming an assistant coroner he or she was a deputy coroner remunerated by a salary.
- (5) Paragraphs 15(6) and 17 of Schedule 3 have effect as if a reference to an area coroner included a reference to a person within sub-paragraph (4).
- (6) Paragraphs 3 and 4 of Schedule 3 do not apply in relation to a deemed appointment under sub-paragraph (2) or (3) above.
- (7) Paragraph 10 of that Schedule does not apply to a person who becomes a senior coroner, area coroner or assistant coroner as the result of sub-paragraph (2) or (3) above.
- (8) Sub-paragraphs (9) to (11) apply where an order under paragraph 2 of Schedule 2 has the effect of creating a coroner area (“the new area”) that consists of or includes some or all of the area of one or more existing coroner areas (“the old areas”).
- (9) A person who does not meet the criteria in paragraph 3 of Schedule 3, or who falls within paragraph 4 of that Schedule, may nevertheless become the senior coroner or an area coroner for the new area at its inception if he or she is someone who—
- (a) was treated by virtue of sub-paragraph (2) above as having been appointed as the senior coroner for one of the old areas, and
 - (b) held office as such immediately before the inception of the new area.
- (10) A person who does not meet the criteria in paragraph 3 of Schedule 3, or who falls within paragraph 4 of that Schedule, may nevertheless become an assistant coroner for the new area at its inception if he or she is someone who—
- (a) was treated by virtue of sub-paragraph (2) or (3) above as having been appointed as the senior coroner or an assistant coroner for one of the old areas, and
 - (b) held office as such immediately before the inception of the new area.
- (11) Paragraph 10 of that Schedule does not apply to—
- (a) a person within paragraphs (a) and (b) of sub-paragraph (9) above who becomes the senior coroner for the new area at its inception;
 - (b) a person within paragraphs (a) and (b) of sub-paragraph (10) above who becomes an assistant coroner for the new area at its inception.

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Coroner for Treasure

- 4 In the case of the first appointment to the office of Coroner for Treasure, paragraph 2(b) of Schedule 4 does not apply to a person holding office as a coroner, deputy coroner or assistant deputy coroner under the 1988 Act on the coming into force of that Schedule.

Investigation by former coroner

- 5 A person who—
- (a) was appointed as a coroner under section 1 of the 1988 Act, and
 - (b) ceased to hold office as such before the coming into force of the repeal by this Act of that section,
- is to be treated for the purposes of paragraph 3(3) of Schedule 10 as having held office as a senior coroner.

Interpretation

- 6 In this Part—
- “the 1988 Act” means the Coroners Act 1988 (c. 13);
 - “coroner's district” or “district” means a coroner's district for the purposes of the 1988 Act;
 - “corresponding coroner area”, in relation to a district, means the coroner area that (by virtue of the transitional order) has the same area as that district;
 - “corresponding coroner's district”, in relation to a coroner area, means the coroner's district whose area becomes (by virtue of the transitional order) the area of that coroner area;
 - “transitional order” means the order made by virtue of paragraph 1(1).

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