

*Status: Point in time view as at 01/12/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Jurors and electronic communications devices. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 13

#### JURIES AT INQUESTS

##### *Jurors and electronic communications devices*

1 After section 9 of the Coroners and Justice Act 2009 insert—

##### **“9A Surrender of electronic communications devices by jurors**

- (1) A senior coroner holding an inquest with a jury may order the members of the jury to surrender any electronic communications devices for a period.
- (2) An order may be made only if the senior coroner considers that—
  - (a) the order is necessary or expedient in the interests of justice, and
  - (b) the terms of the order are a proportionate means of safeguarding those interests.
- (3) An order may only specify a period during which the members of the jury are—
  - (a) in the building in which the inquest is being heard,
  - (b) in other accommodation provided at the senior coroner's request,
  - (c) visiting a place in accordance with arrangements made for the purposes of the inquest, or
  - (d) travelling to or from a place mentioned in paragraph (b) or (c).
- (4) An order may be made subject to exceptions.
- (5) It is a contempt of court for a member of a jury to fail to surrender an electronic communications device in accordance with an order under this section.
- (6) Proceedings for a contempt of court under this section may only be instituted on the motion of a senior coroner having jurisdiction to deal with it.
- (7) In this section, “electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003).

##### **9B Surrender of electronic communications devices: powers of search etc**

- (1) This section applies where an order has been made under section 9A in respect of the members of a jury.

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- (2) A coroners' officer must, if ordered to do so by a senior coroner, search a member of the jury in order to determine whether the juror has failed to surrender an electronic communications device in accordance with the order.
- (3) Subsection (2) does not authorise the officer to require a person to remove clothing other than a coat, jacket, headgear, gloves or footwear.
- (4) If the search reveals a device which is required by the order to be surrendered—
  - (a) the officer must ask the juror to surrender the device, and
  - (b) if the juror refuses to do so, the officer may seize it.
- (5) Subject to subsection (6), a coroners' officer may retain an article which was surrendered or seized under subsection (4) until the end of the period specified in the order.
- (6) If a coroners' officer reasonably believes that the device may be evidence of, or in relation to, an offence, the officer may retain it until the later of—
  - (a) the end of the period specified in the order, and
  - (b) the end of such period as will enable the officer to draw it to the attention of a constable.
- (7) A coroners' officer may not retain a device under subsection (6)(b) for a period of more than 24 hours from the time when it was surrendered or seized.
- (8) The Lord Chancellor may by regulations make provision as to—
  - (a) the provision of written information about coroners' officers' powers of retention to persons by whom devices have been surrendered, or from whom devices have been seized, under this section,
  - (b) the keeping of records about devices which have been surrendered or seized under this section,
  - (c) the period for which unclaimed devices have to be kept, and
  - (d) the disposal of unclaimed devices at the end of that period.
- (9) In this section—
 

“electronic communications device” has the same meaning as in section 9A;

“unclaimed device” means a device retained under this section which has not been returned and whose return has not been requested by a person entitled to it.”

#### Commencement Information

**II** Sch. 13 para. 1 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 79

- 2 (1) Part 4 of the Courts Act 2003 (court security officers) is amended as follows.
- (2) In section 54A (powers in relation to jurors' electronic communications devices) (inserted by section 70 of this Act)—
  - (a) in subsection (1), after “1974” insert “ or section 9A of the Coroners and Justice Act 2009 ”,

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- (b) in subsection (2), after “judge” insert “ or a senior coroner ”, and
- (c) for subsection (5) substitute—

“(5) In this section—

“electronic communications device” means a device that is designed or adapted for a use which consists of or includes the sending or receiving of signals that are transmitted by means of an electronic communications network (as defined in section 32 of the Communications Act 2003);

“senior coroner” has the same meaning as in the Coroners and Justice Act 2009.”

- (3) In section 55(1A) (powers to retain articles surrendered or seized) (inserted by section 70 of this Act), after “1974” insert “ or section 9A of the Coroners and Justice Act 2009 ”.

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**Commencement Information**

**I2** Sch. 13 para. 2 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 79

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