

**EXPLANATORY MEMORANDUM TO**  
**THE CORONERS ALLOWANCES, FEES AND EXPENSES REGULATIONS 2013**

**2013 No. 1615**

1. This explanatory memorandum has been prepared by the Ministry of Justice ('the Department') and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The Coroners Allowances, Fees and Expenses Regulations 2013 govern the fees, expenses and allowances relating to coroner investigations under Part 1 of the Coroners and Justice Act 2009 ('the 2009 Act').
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Context**
  - 4.1 The legislation governing coroner inquests is currently the Coroners Act 1988 and the Coroners Rules 1984 (as amended). The majority of the Coroners Act 1988 will be repealed and the Coroners Rules 1984 automatically revoked when Part 1 of the 2009 Act comes into force.
  - 4.2 Part 1 of the 2009 Act makes a number of changes to the coroner system, including the appointment of a Chief Coroner to provide national leadership to coroners in England and Wales and the new concept of an 'investigation' into a death (of which the inquest will form part).
  - 4.3 Schedule 7 of the 2009 Act enables the Lord Chancellor to make regulations governing the fees, expenses and allowances relating to coroner investigations. This is the first time the power is being used. The Coroners Allowances, Fees and Expenses Regulations 2013 should be read alongside The Coroners (Investigations) Regulations 2013 and The Coroners (Inquests) Rules 2013 which have been laid at the same time as these regulations.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England and Wales.
6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- What is being done and why

7.1 The policy objectives of the coroner reforms in the 2009 Act are reforms to:

- put the needs of bereaved people at the heart of the coroner system;
- retain local coroner services but within a new national framework of standards and with national leadership; and
- enable a more efficient system of investigations and inquests.

7.2 The Coroners Allowances, Fees and Expenses Regulations 2013 firstly set out allowances payable to jurors, witnesses and post-mortem examination practitioners. The regulations make the allowances consistent with their equivalents in criminal courts, wherever this will not impose an additional burden on the local authorities that fund coroner services. Where such consistency would mean a new burden on local authorities the regulations keep the current rate of allowances (as set out in the July 2008 Coroners' Circular, made under sections 25 and 24 of the 1988 Act).

7.3 The regulations also provide for coroners to charge for disclosure of documents after an inquest, bringing the provisions in line with Civil Proceedings, Family Proceedings and Magistrates' Courts fees where appropriate and, in relation to the transcripts of inquests, replicating the Coroners' Records (Fees for Copies) Rules 2002.

7.4 In addition the regulations set out requirements for keeping records of expenditure and indemnifying coroners in their duties, replacing sections 27 and 27A of the 1988 Act.

- Consolidation

7.5 The Coroners Allowances, Fees and Expenses Regulations 2013 consolidates provisions made under the 1988 Act, the Coroners' Records (Fees for Copies) Rules 2002 and the Jurors' (Coroners' Courts) Allowances Regulations 1975, the Jurors' (Coroners' Courts) Allowances (Amendment) Regulations 1975 and the Jurors' (Coroners' Courts) Allowances (Amendment) Regulations 1977, all of which are revoked as a result of bringing Part 1 of the 2009 Act into force.

## **8. Consultation outcome**

8.1 The Department has consulted on new rules and regulations to be made under the 2009 Act. The consultation ran from 1 March to 12 April 2013. The Department received almost 300 responses to the consultation, principally from coroners, local authorities and bereavement support groups, and has made a number of changes to the regulations as a result of these. A full response to the consultation can be found at: <https://consult.justice.gov.uk/digital-communications/coroner-reforms>.

## **9. Guidance**

9.1 Guidance has been issued to coroners and local authorities on Part 1 of the 2009 Act and the new rules and regulations.

## **10. Impact**

10.1 There is no impact on business, charities, voluntary bodies or the public sector impact on business, charities or voluntary bodies.

## **11. Regulating small business**

11.1 These changes will have no impact on small businesses.

## **12. Monitoring & review**

12.1 The Department intends to review the impact of the new regulations, and Part 1 of the 2009 Act more generally, 18 months after the provisions come into effect.

## **13. Contact**

Dominic Smales or Elizabeth Knapp at the Department can answer any queries regarding the instrument.

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