

**EXPLANATORY MEMORANDUM TO
THE CORONERS (INVESTIGATIONS) REGULATIONS 2013**

2013 No. 1629

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 (Investigations) Regulations 2013 govern the practice and procedure of coroner investigations of deaths 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 The majority of the Coroners Act 1988 will be repealed and the Coroners Rules 1984 automatically revoked when Part 1 of the 2009 Act and its subordinate legislation come into force.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 a coroner's 'investigation' into a death (of which the inquest will form part). Section 43 of the Act allows the Lord Chancellor, with the agreement of the Lord Chief Justice, to make regulations governing the practice and procedure at or in connection with investigations. This is the first time the power is being used.
 - 4.3 These regulations should be read alongside the Coroners (Inquests) Rules 2013, made by the Lord Chief Justice with the agreement of the Lord Chancellor, and the Coroners Allowances, Fees and Expenses Regulations 2013, which have been laid at the same time.
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 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 (Investigations) Regulations 2013 are drafted with these intentions in mind. They update relevant provisions in the Coroners Rules 1984, putting particular emphasis on coroners notifying bereaved relatives and other interested persons of developments with the investigation. The regulations also contain specific provisions that will allow coroners to operate more efficiently. For example, the regulations will allow a coroner to release a body to the bereaved family, without the need to have first opened an inquest (as is the case at present).

7.3 The Regulations will also assist the Chief Coroner, His Honour Judge Thornton QC, to fulfil his role as head of the coroner system. In particular, the regulations:

- require coroners to provide the Chief Coroner with information that he has requested;
- set out how the Chief Coroner's power to direct a coroner to conduct an investigation will work in practice; and
- clarify the Chief Coroner's role in relation to coroners' reports to prevent other deaths.

- Consolidation

7.4 As noted above, the Coroners (Investigations) Regulations 2013 and Coroners (Inquests) Rules 2013 will replace the Coroners Rules 1984, which are revoked.

8. Consultation outcome

8.1 The Department has consulted on new the 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.

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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