
STATUTORY INSTRUMENTS

2021 No. 504

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Trust
(Scrutiny of Deaths) (England) Order 2021

Made - - - - 23rd April 2021

Coming into force - - 1st May 2021

The Secretary of State for Health and Social Care makes the following Order in exercise of the powers conferred upon him by paragraph 22 of Schedule 4 to the National Health Service Act 2006⁽¹⁾.

Citation and commencement

1. This Order may be cited as the National Health Service Trust (Scrutiny of Deaths) (England) Order 2021 and comes into force on 1st May 2021.

Application and extent

2. This Order extends to England and Wales, and applies only to England.

Power to scrutinise deaths

3.—(1) An NHS trust in England may scrutinise the death of any person who has died in England where—

- (a) a senior coroner is not under a duty to investigate the death under section 1 of the Coroners and Justice Act 2009⁽²⁾, or
- (b) it is unclear whether the death is one which a registered medical practitioner would be required to notify to the relevant senior coroner under the Notification of Deaths Regulations 2019⁽³⁾.

(2) In paragraph (1), the reference to scrutinising a death is a reference to scrutiny carried out in accordance with “Implementing the medical examiner system: National Medical Examiner’s good

(1) 2006 c. 41.
(2) 2009 c. 25.
(3) S.I. 2019/1112.

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practice guidelines”, published by NHS England and NHS Improvement in January 2020⁽⁴⁾, and includes any review which forms part of the process of scrutinising a death under those guidelines.

Signed by the authority of the Secretary of State for Health and Social Care.

23rd April 2021

Nadine Dorries
Minister of State,
Department of Health and Social Care

(4) A copy of the guidelines is available at https://improvement.nhs.uk/documents/6398/National_Medical_Examiner_-_good_practice_guidelines.pdf. A hard copy may be obtained from NHS England, PO Box 16738, Redditch, B97 9PT.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers power on NHS trusts to scrutinise any deaths in England (whether or not the death takes place in a NHS trust's area), where the Coroner has no duty to investigate, or there is some doubt as to whether the death must be notified to the relevant senior coroner.

A full impact assessment has not been produced for the instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.