



CHIEF CORONER

CHIEF CORONER GUIDANCE NO. 35 – HEARINGS DURING THE PANDEMIC

These issues will be kept under constant review by the Chief Coroner

1. All courts operate on the principle of open justice. The Coroners (Inquests) Rules 2013 (Rule 11) provides that inquest and pre-inquest hearings must be held in public. Guidance note 34 makes clear that the only hearings that should be taking place in a coroner's court during the pandemic emergency are those which are urgent and essential business. Please remember that inquests only have to be opened as soon as reasonably practicable after the coroner has made a judicial decision that the duty under section 6 of the CJA 2009 applies (Rule 5)
<http://www.legislation.gov.uk/ukxi/2013/1616/article/5/made>

Coroners are referred to Chief Coroners Guidance Note No.9 "Opening Inquests"
<https://www.judiciary.uk/wp-content/uploads/2013/09/guidance-no-9-opening-inquests.pdf>

2. Various questions have been asked about 'virtual hearings'. Although the emergency legislation makes provision for virtual hearings in the Crown Court, these are not yet taking place as the facilities are not generally available. By way of example at present, Crown Courts are operating with significantly reduced numbers of judges and court staff physically present at court: just sufficient numbers of personnel who are able to cover urgent and essential business. The judge will, in court, deal with, for example urgent bail applications, extensions of custody time limits, sentencing where provisions that come into effect on 1st April may have an impact on sentence and any other matter deemed to be urgent and essential.
3. It is vital for the Senior Coroner to have a clear dialogue with the Relevant Local Authority and other Local Authorities as necessary to underline that what is taking

place is urgent or essential court business only, and that those involved are key workers. There will be issues as to choice and risk for staff but that is capable of being managed sensibly in conjunction with the employers. Similarly, if as a coroner you are in one of the vulnerable groups for COVID-19 then you may well have to delegate any physical court hearings to another coroner and do so on a rota system to mitigate risks and to address resilience. This is the stance being taken by all levels of the judiciary.

4. In the civil jurisdiction it is possible for certain hearings to take place in private or without the need for a judge to be physically present. This has been the case for some time and utilises the flexibility already provided for in the CPR. It is not the result of the emergency legislation. It does not apply to the coroner jurisdiction.
5. Why must the hearing happen with the coroner physically present? Simply put absent a coroner, it is not a court. Although all parties who need to be present may do so by phone or any other link, the Chief Coroner's guidance is that, as the law currently stands, a coroner should be present at the hearing.
6. Can the coroner be present by Skype or phone? As the legislative provisions currently stand, the answer is no.

HHJ MARK LUCRAFT QC
CHIEF CORONER OF ENGLAND AND WALES

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