

2013 No. 1869 (C. 80)

CORONERS, ENGLAND AND WALES

**The Coroners and Justice Act 2009 (Commencement No. 15,
Consequential and Transitory Provisions) Order 2013**

Made - - - -

24th July 2013

The Lord Chancellor makes the following Order in the exercise of the powers conferred by section 176(3) and section 182(4) of the Coroners and Justice Act 2009(a).

Citation

1. This Order may be cited as the Coroners and Justice Act 2009 (Commencement No. 15, Consequential and Transitory Provisions) Order 2013.

Commencement of provisions of the Coroners and Justice Act 2009

2. The following provisions of the Coroners and Justice Act 2009 are commenced on 25th July 2013—

- (a) sections 1 to 11 and sections 13 to 17 (investigations into deaths);
- (b) sections 22 to 24 (coroner areas, appointments etc.);
- (c) section 32 only in so far as it relates to paragraphs 1, 2, 6 and 7 of Schedule 5 and sections 33 to 34 (further provision to do with investigations and deaths);
- (d) section 36 with the exclusion of subsection (4)(c), section 37, section 41 only in so far as it relates to paragraphs 1, 3 and 5 of Schedule 10 and section 42 (governance etc.);
- (e) section 46 (coroner of the Queen's household);
- (f) section 177(1) (consequential etc. amendments, and transitional and saving provisions) to the extent that it relates to the provisions specified in sub-paragraph (o);
- (g) section 178 (repeals) only to the extent that it relates to the provisions specified in sub-paragraph (p);
- (h) Schedule 1 (duty or power to suspend or resume investigations);
- (i) Schedule 2 (coroner areas);
- (j) Schedule 3 (appointment etc. of senior coroners, area coroners and assistant coroners);
- (k) paragraphs 1, 2, 6 and 7 of Schedule 5 (powers of coroners);
- (l) Schedule 6 (offences);
- (m) Schedule 7 (allowances, fees and expenses);
- (n) paragraphs 1, 3 and 5 of Schedule 10 (investigation by Chief Coroner or Coroner for Treasure or by judge, former judge or former coroner);

- (o) in Part 1 of Schedule 21 (minor and consequential amendments)—
 - (i) paragraphs 1 to 7;
 - (ii) paragraph 8(4);
 - (iii) paragraph 9(3)(d);
 - (iv) paragraph 11(3);
 - (v) paragraph 15(1), (3), and (4);
 - (vi) paragraph 15(2) but only in so far as substituting subsection (2) of section 23 of the Births and Deaths Registration Act 1953^(a) with a new subsection (2) and not subsection (2ZA);
 - (vii) paragraph 18(1) and (2) to the extent that those provisions introduce a new subsection (3B) only into section 29 of the Births and Deaths Registration Act 1953;
 - (viii) paragraph 18(3) and (4) (and paragraph 18(1) in so far as relating to those provisions);
 - (ix) paragraph 21(1) but only in relation to the definition of “the 2009 Act”;
 - (x) paragraph 21(2) but only in so far as inserting a new subsection (3) into section 41 of the Birth and Deaths Registration Act 1953 and not a new subsection (2);
 - (xi) paragraphs 22 to 25;
 - (xii) paragraph 26 with the exception of the words “Coroner for Treasure”;
 - (xiii) paragraph 28;
 - (xiv) paragraph 30;
 - (xv) paragraphs 32 to 36;
 - (xvi) paragraphs 44 and 45; and
 - (xvii) paragraph 51 to the extent that it relates to the Deputy Chief Coroner only; and
- (p) Part 1 of Schedule 23 (repeals: coroners etc.) to the extent that it relates to the entry for the Coroners Act 1988^(b) except for sections 4A(8) and 13(1) and (2) of that Act.

Transitory modification provision in relation to treasure inquests

3. From the time when the provision in article 2(p) of this Order is commenced until such time as sections 25 to 31 (investigations concerning treasure) of, and Schedule 4 to, the Coroners and Justice Act 2009 come into force—

- (a) the Coroners Act 1988 is to be treated as not repealed, in so far as it relates to the exercise of a coroner’s jurisdiction in relation to treasure inquests as provided by section 30 of that Act;
- (b) any reference to a coroner in the Coroners Act 1988 is to be treated as a reference to a coroner appointed under section 23 of, and Schedule 3 to, the Coroners and Justice Act 2009; and
- (c) any reference to a coroner district in the Coroners Act 1988 is to be treated as a reference to a coroner area constituted under section 22 of, and Schedule 2 to, the Coroners and Justice Act 2009.

Consequential amendments

4. The amendments made in the Schedule shall have effect on 25th July 2013.

(a) 1953 c.20.
 (b) 1988 c.13.

24th July 2013

SCHEDULE

Consequential amendments

Article 4

Removal of Bodies Regulations 1954

1. In Schedule 2 to the Removal of Bodies Regulations 1954 (a) for “Coroner. Deputy Coroner. Assistant Deputy Coroner” substitute “Senior Coroner. Area Coroner. Assistant Coroner”.

Registration of Births and Deaths Regulations 1987

2.—(1) The Registration of Births and Deaths Regulations 1987(b) are amended as follows.

(2) In regulation 2(1)—

(a) insert at the appropriate place ““the 2009 Act” means the Coroners and Justice Act 2009”;

(b) for the definition of “coroner” substitute—

““coroner” includes—

(a) a senior coroner, area coroner and assistant coroner;

(b) the Chief Coroner when conducting an investigation under paragraph 1 of Schedule 10 to the 2009 Act; and

(c) a judge, former judge, or former coroner conducting an investigation under paragraph 3 of Schedule 10 to the 2009 Act;”;

(c) in the definition of “inquest”, for “has been adjourned under section 20(1) of the Coroners (Amendment) Act 1962 (whether or not the inquest is subsequently resumed)” substitute “is conducted as part of an investigation under Part 1 of the Coroners and Justice Act 2009 (including any inquest which has been adjourned)”.

(3) In regulation 43(2) for “by his direction under section 19 of the Coroners Act 1988” substitute “upon a request under section 14 of the 2009 Act”.

(4) In regulation 70 omit paragraph (2).

The Electricity Safety, Quality and Continuity Regulations 2002

3. In paragraph 7 of part 3 of Schedule 3 to the Electricity Safety, Quality and Continuity Regulations 2002(c) for “verdict” substitute “determination or findings”.

Cremation (England and Wales) Regulations 2008

4.—(1) The Cremation (England and Wales) Regulations 2008(d) are amended as follows.

(2) In regulation 2(1)—

(a) omit the definition for “the 1988 Act”;

(a) S.I. 1954/448.
(b) S.I. 1987/2088.
(c) S.I. 2002/2665.
(d) S.I. 2008/2841.

- (b) insert at the appropriate place ““the 2009 Act” means the Coroners and Justice Act 2009”; and
 - (c) for ““inquest” means an inquest into the death of a deceased person under section 8 of the 1988 Act” substitute ““investigation” means an investigation into the death of a deceased person under Part 1 of the 2009 Act”.
- (3) In regulation 18—
- (a) in sub-paragraph (a) for “section 19(1) of the 1988 Act” substitute “section 14 of the 2009 Act” and for “section 19(3) of the 1988 Act” substitute “a post-mortem examination made under section 14 of the 2009 Act has revealed the cause of death of the deceased and the coroner does not think it necessary to continue the investigation”;
 - (b) in sub-paragraph (b) for “inquest has been opened” substitute “investigation has begun”; and
 - (c) in sub-paragraph (c) for “inquest” substitute “investigation”.
- (4) In Schedule 1—
- (a) in Cremation Form 6 (Certificate of coroner) in the second box of Part 2 of that form for “inquest on the body” substitute “investigation into the death”; and
 - (b) in Cremation Form 8 (Certificate releasing body parts for cremation) in Part 2 of that form, in both places where it occurs for “district” substitute “area”.

The National Health Service (Performers Lists) (England) Regulations 2013

5.—(1) The National Health Service (Performers Lists) (England) Regulations 2013(a) are amended as follows.

(2) In regulation 4(5)(i) for “as a person who falls within rule 20(2)(d) (entitlement to examine witnesses) or rule 24 (notice to person whose conduct is likely to be called into question) of the Coroners Rules 1984” substitute “conducted as part of an investigation under the Coroners and Justice Act 2009, as a person who is found to have caused, or contributed to, the death of the deceased or otherwise had their conduct brought into question”.

(3) In regulation 9(2)(h) for “falls within rule 20(2)(d) (entitlement to examine witnesses) or rule 24 (notice to person whose conduct is likely to be called into question) of the Coroners Rules 1984” substitute “has been found by a coroner to have caused, or contributed to, the death of the deceased or otherwise had their conduct brought into question at an inquest conducted as part of an investigation under the Coroners and Justice Act 2009”.

(4) In regulation 9(4)(i) for “as a person who falls within rule 20(2)(d) (entitlement to examine witnesses) or rule 24 (notice to person whose conduct is likely to be called into question) of the Coroners Rules 1984” substitute “conducted as part of an investigation under the Coroners and Justice Act 2009, as a person who is found to have caused, or contributed to, the death of the deceased or otherwise had their conduct brought into question”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences the majority of provisions relating to coroners in Part 1 of the Coroners and Justice Act 2009 (“the 2009 Act”) and repeals most of the Coroners Act 1988 (with the exception of sections 4(8)A, 13(1) and 13(2)).

Article 3 makes transitory modifications in relation to provisions concerning treasure inquests until such time as the substantive provisions relating to treasure inquests come into force. This will

(a) S.I. 2013/335.

allow coroners to continue conducting inquests into treasure, until such time that the substantive treasure provisions in Part 1 of the 2009 Act are commenced.

Article 4 and the Schedule make consequential amendments to subordinate legislation to reflect the new terminology introduced by Part 1 of the 2009 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Coroners and Justice Act 2009 (c. 25) have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 12	24.09.2012	2012/2374
Section 35	01.02.2010	2010/145
Section 43	03.07.2013	2013/1628
Section 45	03.07.2013	2013/1628
Section 50	24.09.2012	2012/2374
Section 52	04.10.2010	2010/816
Section 53	01.06.2011	2011/182 (N.I.)
Section 54 to 55 (partially)	04.10.2010	2010/816
(fully in force)	01.06.2011	2011/182 (N.I.)
Section 56 (partially)	04.10.2010	2010/816
	01.06.2011	2011/182 (N.I.)
Section 57	04.10.2010	2010/816
Section 58	01.06.2011	2011/182 (N.I.)
Sections 59 to 61	01.02.2010	2010/145
Sections 62 to 71	06.04.2010	2010/816
Section 72	01.02.2010	2010/145
Section 74 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 75 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 76 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 77 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 78 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 79 to 80 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 81 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
	02.05.2011	2011/1122
Section 82 (partially)	06.04.2010	2010/816
(fully in force)	18.04.2011	2011/182 (N.I.)
Section 83 (partially)	06.04.2010	2010/816
	18.04.2011	2011/182 (N.I.)
Section 84	06.04.2010	2010/816
Section 85 (partially)	06.04.2010	2010/816

(fully in force)	18.04.2011	2011/182 (N.I.)
Sections 98 to 103	27.06.2011	2011/1452
Section 105	27.06.2011	2011/1452
Section 106 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
(fully in force)	08.10.2012	2012/2374
Section 107 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
(fully in force)	08.10.2012	2012/2374
Section 108 (partially)	14.12.2009	2009/3253
	03.10.2011	2011/2148
(fully in force)	08.10.2012	2012/2374
Section 109 to 110	14.12.2009	2009/3253
Section 111	27.06.2011	2011/1452
Section 112	01.02.2010	2010/145
Section 113	06.04.2010	2010/816
Section 114 to 115	01.02.2010	2010/145
Section 117 (partially)	07.08.2012	2012/1810
	22.04.2013	2013/705
Section 118 (partially)	01.02.2010	2010/145
(fully in force)	06.04.2010	2010/816
Section 119 to 136	06.04.2010	2010/816
Section 139	12.01.2010	2010/28
Sections 140 to 141	01.02.2010	2010/145
Section 142	31.01.2010	2010/145
Section 144 (partially)	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
	28.05.2013	2013/1104
Section 145	02.08.2010	2010/1858
Section 146 to 147	06.04.2010	2010/816
Section 149 to 150	01.02.2010	2010/145
Section 153	01.02.2010	2010/145
Section 155 to 172	06.04.2010	2010/816
Section 173 (partially)	01.02.2010	2010/145
(fully in force)	06.04.2010	2010/816
Section 174	01.02.2010	2010/145
Section 175 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Section 177 (partially)	12.01.2010	2010/28
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
	27.06.2011	2011/1452
Section 178 (partially)	31.01.2010	2010/145
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	01.06.2011	2011/182 (N.I.)

	27.06.2011	2011/1452
	03.10.2011	2011/2148
	08.10.2012	2012/2374
	12.02.2013	2013/250
Section 180	01.02.2010	2010/145
Schedule 8	01.02.2010	2010/145
Schedule 12	01.02.2010	2010/145
Schedule 13	06.04.2010	2010/816
Schedule 14	27.06.2011	2011/1452
Schedule 15 (partially)	01.02.2010	2010/145
(fully in force)	06.04.2010	2010/816
Schedule 17 (partially)	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
	28.05.2013	2013/1104
Schedule 19	06.04.2010	2010/816
Schedule 20 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
Schedule 21 (partially)	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
	27.06.2011	2011/1452
Schedule 22 (partially)	12.01.2010	2010/28
	01.02.2010	2010/145
	06.04.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	18.04.2011	2011/182 (N.I.)
	27.06.2011	2011/1452
Schedule 23 (partially)	31.01.2010	2010/145
	01.02.2010	2010/145
	06.04.2010	2010/816
	04.10.2010	2010/816
	02.08.2010	2010/1858
	15.08.2010	2010/1858
	01.06.2011	2011/182 (N.I.)
	27.06.2011	2011/1452
	03.10.2011	2011/2148
	08.10.2012	2012/2374
	12.02.2013	2013/250

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