



This is the fourth bulletin about the Coroners and Justice Bill's progress through Parliament. If you would like to receive this Bulletin in a different format, please contact Margaret Haig at Margaret.Haig@justice.gsi.gov.uk.

Parliamentary Timetable

The coroner reform part (Part 1) of the Coroners and Justice Bill completed its Committee stage in the House of Lords on 30 June. Committee stage is the line by line examination of the Bill, and there were four sessions on coroner reform – on 9, 10, 23 and 30 June.

Committee stage continued on the other parts of the Bill on 7, 9, 13, 15 and 21 July. All the debates are published on the Parliament website. After Committee stage, the Bill will be reprinted and published on the website to reflect the amendments that have been made.

Please note that Parliamentary recess begins on 22 July and runs until 12 October. The next Bill stage, Lords Report stage, will begin in October, after the recess. This is where the Lords will review the Bill as amended in Committee.

Amendments at Committee stage

Several Government amendments have been made to the Bill, some of which were outlined in the last update. They are set out below.

There were also many non-Government amendments which were subject to debate, tabled by various peers, but only one was taken to a vote. This was a Conservative amendment, which the Government won, in relation to the persons whom the Lord Chancellor must consult before making an order requiring the appointment of an area coroner and a minimum number of assistant coroners. You can view the text of all the tabled amendments on the Parliament website.

Certified investigations

The Committee agreed that the clauses which related to certifying an investigation on the grounds that there was centrally relevant

evidence that could not be disclosed to a jury should be removed from the Bill.

In future, when such circumstances arise, it is likely that the investigation will be dealt with by way of an inquiry under the Inquiries Act 2005.

Treasure

A Coroner for Treasure will be created through the Government amendments. He or she will be responsible for investigating all treasure or treasure trove finds in England and Wales, and local coroners will no longer have jurisdiction in this area. This will free up local coroners to deal with death investigations and also ensure that treasure cases are resolved more quickly.

The Coroner for Treasure will have powers similar to a senior coroner, allowing him or her to summon witnesses and direct them to produce an item for investigation, which would include the actual treasure find.

Several other amendments to the treasure system follow from the introduction of this post. For example, interested persons in treasure investigations will be able to appeal certain decisions to the Chief Coroner.

All of the provisions are intended to encourage the reporting of treasure finds and to speed up their investigation. We will be working closely with the Department of Culture, Media and Sport (DCMS) in the coming months on the implementation process, as well as consulting with any interested organisations.

Medically qualified coroners

In the reformed system all new coroners will have to be legally qualified. The Bill already contained measures to ensure that current coroners who are only medically qualified can continue in post in the reformed system. However, we needed to make some minor amendments to enable medically qualified only coroners to continue in post if their coroner

area merges with another. This ensures that we do not lose skills in the transition to the new system.

Other points raised at Committee

There continued to be general support for the aims of the Bill, with the Government amendments being welcomed. However, some issues continued to have considerable debate. These will be further considered by Ministers over the recess period.

The Bill proposes to reduce the size of an inquest jury to between 6 and 9 persons, from the current requirement for 7 to 11 members. It was suggested that we amend the Bill so that the current position remains unchanged.

There was some support for creating a statutory head of the new medical examiners (who will scrutinise deaths not referred to coroners and advise coroners on medical issues). There was also cross-party support for making the Chief Coroner's National Medical Adviser a statutory role.

There was also debate on the appropriate qualifications for those conducting post-mortems, what the purpose of such an examination should be, and issues around tissue retention.

The Bill provides for the Chief Coroner to transfer an investigation from one coroner's area to another (for instance to a coroner who is nearer to the bereaved family). Lord Kingsland (Conservative), who tragically died on 12 July, was concerned about what the funding arrangements would be in these circumstances.

In the reformed system coroners will be trained to investigate all kinds of deaths. However it was argued, particularly by Cross-benchers (who are not affiliated to any particular party), that the Bill should specify the training which coroners need before conducting an inquest into the deaths of those killed on active military service. In particular Baroness Fookes (Conservative), Lord Ramsbotham (Cross-bench), Baroness Dean of Thornton-le-Fylde (Labour) and Lord Craig of Radley (Cross-bench) suggested that there should be a Deputy Chief Coroner who specialises in having oversight of these inquests.

There were also concerns raised about the availability of legal aid for families not only in this context but for inquests generally. The Government has made it clear that it cannot ignore the cost to the legal aid budget, which would be substantial. Claims for funding in exceptional circumstances continue to be allowed, but they must remain means-tested.

Lord Alderdice (Liberal Democrat) was concerned with how coroners may use the Bill's powers for search and entry of property and seizure of evidence, and how to ensure that they are used proportionately.

Baroness Finlay and Lady Butler-Sloss (Cross-benchers) said that the Bill's provisions to indemnify coroners and medical examiners in respect of the costs arising from legal proceedings should be strengthened.

On treasure, Lord Redesdale (Liberal Democrat), Lord Howarth of Newport (Labour) and Lord Renfrew of Kaimsthorn (Conservative) all pressed for the duty on finders to report treasure finds to be extended to those who later acquire treasure finds.

Lord Kingsland argued for coroners to have a duty, rather than discretion, to issue a report to prevent future deaths ('Rule 43 report'), where they are of the opinion that action should be taken to prevent further deaths.

Want to find out more?

You can find a complete account of what happened at Committee, as well as accessing the Bill and the remaining scheduled dates for Committee, by visiting <http://services.parliament.uk/bills/2008-09/coronersandjustice.html>.

You can also contact the team responsible for the coroners' section of the Bill:

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