

**Coroners and Justice Bill**  
**Second Reading**

**3.09 pm** Moved By **Lord Bach**

That the Bill be read a second time.

**The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach):** My Lords, I will be the first to admit that this is a wide-ranging Bill, but I make no apology for that. The Ministry of Justice and its partner agencies face many challenges. There are, quite rightly, increasing demands for more effective, transparent and responsive public services, enhanced public protection, improved access to justice and a strengthening of rights and responsibilities. The Bill will contribute to each of these outcomes.

It will help criminal justice agencies to focus on the needs of victims and witnesses, particularly the most vulnerable. It will strengthen the protection of the public through changes to the law on pornographic images of children and the sentencing of terrorist offenders. It will provide a more accessible and responsive coroner service for bereaved families. It will also help safeguard the public's right to have their personal information protected and reinforce the responsibilities on data controllers to comply with the data protection principles.

These are all high aspirations, but there is no reason why we should not strive to fulfil them and this Bill will play a part in that endeavour.

I turn now to the detailed provisions in the Bill. Part 1 lays the foundation for a wide-ranging reform of the coroner and death certification systems. The Shipman inquiry and the fundamental review of coroners and death certification both advocated a radical overhaul of the current arrangements. Two changes are essential and are at the core of the provisions in Part 1. The first is to place the needs of bereaved families at the heart of the coroner service and the second is to restore public confidence in the protection afforded by the death certification process, so the Bill will introduce a number of key reforms of the coroner system.

Bereaved families will, for the first time, have a clear legal standing in the investigations process, with new rights of appeal against coroners' decisions. The *Charter for Bereaved People*, a draft of which has been published alongside the Bill, will set out clear national standards of service for those who come into contact with the reformed coroner system.

While maintaining a locally delivered and funded service, the Bill introduces for the first time national leadership through a Chief Coroner. The Chief Coroner will be responsible for setting national standards, including those for training, supporting local coroners and hearing appeals against coroners' decisions.

I want to give your Lordships notice of some government amendments that I intend to bring forward in Committee which will introduce a further element to this national structure.

Aside from their heavy responsibilities for the investigation of certain deaths, coroners retain one residual function dating back to their 12th century origins; namely, the investigation of treasure finds. Following the debates in the other place, we are persuaded of the case for establishing a national coroner for treasure so that in future local coroners can devote all their time to their core responsibilities. I hope this decision will be particularly welcomed by the noble Lord, Lord Redesdale, my noble friend Lord Howarth of Newport and other noble Lords who have played an important role in this field and by their colleagues on the All-Party Group on Archaeology.

The Bill will also remove archaic restrictions on the transfer of investigations between coroners' areas so that inquests may more readily be held closer to the family of the deceased. Our reforms of the death certification system will see the introduction of a uniform process that is applicable irrespective of whether a body is to be buried or cremated. Central to these reforms will be the introduction of medical examiners who will independently verify medical certificates of the cause of death and provide medical advice to local coroners.

Finally in this part of the Bill are the provisions relating to the certification of coroners' investigations. We introduced these provisions to address a very real issue; namely, how to ensure that there is an Article 2 compliant investigation in those very exceptional and rare cases where there is highly sensitive material, such as intercept evidence, that cannot be made public. That problem remains. But, as my right honourable friend the Lord Chancellor announced on Friday, we have concluded that the provisions in Clauses 11 and 12 do not command sufficient support and should be withdrawn. Where it is not possible to proceed with an inquest under the current arrangements, the Government will instead consider

establishing an inquiry under the Inquiries Act 2005 to ascertain the circumstances in which the deceased came by his or her death.

Part 2 makes a number of important changes to the criminal law. I know that a number of noble Lords will be disappointed that we are not proceeding with a wholesale reform of the law on murder. However, we judge that the reform of this particularly sensitive area of the criminal law should be taken forward in a staged approach. The most pressing areas in need of reform are the partial defences of diminished responsibility and provocation, in order to ensure more just and equitable outcomes in individual cases.

With regard to provocation, the new "loss of control" partial defence will ensure that a defendant who has killed in anger will be able to plead the partial defence only in extremely grave circumstances. It also makes clear that, in this day and age, sexual infidelity on the part of the victim can never constitute sufficient grounds for reducing murder to manslaughter. On the other hand, a person who kills in response to a fear of serious violence should be able to put forward the defence on that basis, rather than seeking to shoehorn it into a defence based on killings in anger.

The changes to the partial defence of diminished responsibility will ensure that this area of law is modernised and properly takes into account the needs and practices of medical experts. This is as it should be, given that it is the evidence of such experts which is crucial to determining whether any claim of diminished responsibility is properly made out.

The changes to the law on assisting suicide are intended to increase public understanding that the law applies to the internet as it does offline. Our aim is to simplify and update the law in this area and not to change its scope.

There will be many in this House who want to see a change in the law with a view to legalising doctor-assisted dying in certain circumstances. Equally, many of your Lordships would be emphatically opposed to such a change. This House has debated this issue on a number of occasions, including in the context of Private Members' Bills introduced by my noble friend Lord Joffe. It is an issue that stirs passions on both sides of the argument and I can understand why a number of noble Lords would welcome the opportunity for a fresh debate. If I may give some cautious advice, though, the issue of doctor-assisted dying is too important and too profound for it to be slipped into a passing government Bill. It warrants a Bill of its own and, in the Government's view, a Private Member's Bill at that.