

---

Welcome to the first in a regular series of Bulletins providing a brief update to organisations and individuals with an interest in coroner reform. We start by focussing on the aspects of coroner reform and death certification contained in the Coroners and Justice Bill, and how they are progressing through Parliament. If you would like to receive this Bulletin in a different format, please contact Margaret Haig at the address at the bottom of the second page.

## Parliamentary Timetable

The Coroners and Justice Bill was introduced into the House of Commons on 14 January 2009 and had its Second Reading on 26 January.

Oral evidence on the coroner and death certification provisions was taken by the Public Bill Committee on the 3 and 5 of February. Witnesses included representatives of the Coroners' Society of England and Wales, INQUEST, Cardiac Risk in the Young and the Royal College of Pathologists. Bridget Prentice, the Minister for coroner reform, gave evidence to the Committee on 3 February.

The Committee then spent six days scrutinising individual clauses of the Bill. The coroner and death certification clauses were looked at on the 10 and 24 February. The remaining sessions were held on 26 February, and the 3, 5 and 10 March.

## Next steps

The next stages of the Bill are:

- Commons Report stage and Commons Third Reading (23 and 24 March)
- Introduction in the House of Lords.

No date has been fixed for these stages. Should the Bill have a successful passage through Parliament, we expect Royal Assent to be given in the autumn.

## Main points raised at Committee

As with any Bill, there were some aspects that were well received by the Committee, and others where they raised questions about the approach and content.

## Positive responses

Many aspects of the Bill were welcomed. These include:

- The Government's aim of improving the service to bereaved families, including the introduction of a Charter
- Requiring investigations of all deaths in any form of state detention, rather than just prison
- Introducing a national Chief Coroner to provide leadership to the coroner system
- Introducing flexibility across coroner jurisdictions so that unexpected backlogs or emergency situations can be tackled more effectively
- Retaining the 'inquisitorial' nature of inquests so that they continue to find facts rather than apportion blame – in other words, keeping the distinction between coroners' courts and the civil or criminal courts
- Introducing a new and more accessible appeal system involving the Chief Coroner, to replace the current system of judicial review or appeals to the High Court with the approval of the Attorney General
- Making clear that non-invasive magnetic resonance imaging (MRI) scans are permissible to determine the cause of death as an alternative to invasive post-mortems in some circumstances
- Introducing a nationwide team of independent Medical Examiners to scrutinise the causes of death reported on death certificates in cases not requiring a coroner's post-mortem or an inquest.

## Areas of concern or debate

The Committee expressed some concerns about a number of issues. These included:

- Proposals to allow inquests involving highly sensitive matters to be held partly in private and without a jury
- The role of juries generally and the sort of cases they can be summoned for
- Ensuring better resources for those coroner areas which are currently considered under-funded
- How to attach more importance to coroner reports and recommendations so that future deaths can be prevented
- Improving the support available for bereaved people at coroners' courts and out of hours
- How to ensure the new Medical Examiners are properly independent and work closely with coroners.
- Discussions on amendments to the Bill

A number of amendments were suggested to the coroner and death certification clauses. In many cases, those moving the amendments made clear that they were doing so in order to gain a better understanding of the Government's policy.

There were some major concerns which were put to a vote (all of which were won by the Government). These were:

- Clause 5 (matters to be established by an investigation). There was concern that it might unduly restrict juries' findings and should also make more of the possibility of preventing future deaths.
- Clause 11 (certified investigations involving highly sensitive matters). The Committee felt that inquests should be as open as possible and with juries when required.
- Clause 18 (medical examiners). Some of the Committee felt that the Chief Coroner should be involved in appointing the new Medical Examiners.

## What Ministers are considering

Having listened carefully to the Committee and considered the points that they had raised, Bridget Prentice has agreed to reconsider a number of areas. These include:

- Inquests involving highly sensitive matters (Clauses 11 – 13)
- More description in the Bill about the public protection role of coroners (Schedule 4, paragraph 6)
- Leadership arrangements for the new Medical Examiners (Clause 18)
- Whether coroners should be eligible to apply for the new Deputy Chief Coroner posts (Clause 27 and Schedule 7)
- Whether to amend or re-instate the treasure provisions contained in the draft Bill published in 2006 (Clause 20 and potential new clauses).

Any changes the Government decides to make would be dealt with during the remaining Parliamentary stages of the Bill.

## Want to find out more?

You can find a complete account of what happened in Committee by visiting <http://www.publications.parliament.uk/pa/cm200809/cmpublic/cmpbcor.htm>, or contacting the team responsible for the coroners' section of the Bill. The team are:

- Geoff Bradshaw
- Chris Bell
- Margaret Haig (Contact point) [margaret.haig@justice.gsi.gov.uk](mailto:margaret.haig@justice.gsi.gov.uk)
- Hazra Khanom
- Elizabeth Knapp
- Olga Kostiw