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This is the second 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](mailto:Margaret.Haig@justice.gsi.gov.uk).

## Parliamentary Timetable

The Bill has completed its journey through the House of Commons following Report Stage and Third Reading on 23 and 24 March. It will now move to the House of Lords where the stages will be repeated (First and Second Readings, Committee, Report and Third Reading).

## Next steps

First Reading in the Lords was on 25 March, with Second Reading timetabled for Monday 27 April.

Royal Assent is still expected to be in the autumn with implementation of the coroners' and death certification measures likely to follow during the next 2 to 3 years.

## Amendments introduced by the Government since Committee

During Committee Stage, Justice Minister Bridget Prentice said that "as the Bill approaches the end of its Commons stages, we will continue to listen, to reflect and, when we are convinced by the arguments, to respond." Amendments in the areas set out below were made following Committee, in response to comments from MPs and stakeholders alike.

### Certified inquests

In some exceptional cases, there could be highly sensitive material which may be relevant to a coroner's investigation but which cannot be made public. Existing methods of dealing with sensitive information (such as letting witnesses remain anonymous or providing a summary or 'gist' of the information) will not always be enough to protect the material and also ensure that the inquest is compliant with Article 2 of the European Convention on Human Rights on the right to life.

The amendments tighten the grounds for the Secretary of State to certify an investigation. The High Court judge, who would be appointed to sit as a coroner when a case was certified, would be able to take a fresh look at the material and might decide that the inquest could proceed without reference to it or that it could, after all, be redacted and shown to a jury. However if necessary, removing a jury from the case and hearing the part of the proceedings in private where the sensitive matters were being considered would remain an option to the judge. The decision to certify an investigation will be subject to judicial review, and decisions of the High Court judge about the conduct of the inquest will be subject to appeal to the Court of Appeal.

### Reports to prevent future deaths

Currently known as 'Rule 43' reports, these are reports where the coroner, following the conclusion of his/her investigation, makes recommendations to an organisation or individual to take action to prevent future deaths, for example suggesting a lower speed limit at an accident 'blackspot'. With the amendments to the Bill, it is now clear that the Chief Coroner will publish occasional summaries of these reports, as well as including information about them in the annual report to the Lord Chancellor, which will also be published. The annual report will include statistics on appeals and an assessment of the consistency of standards between coroner areas. This will ensure that all those with an interest have a comprehensive overview of coroners' work across the country.

### Deputy Chief Coroners

The Bill says that the Chief Coroner must be a High Court judge or Circuit judge, as the role will require the qualifications and experience of a member of the senior judiciary. However, we have acknowledged that coroners have the

expertise to be a Deputy Chief Coroner (it is intended that there will be two full-time Deputy Chief Coroners). We have amended the Bill to make that possible.

### **Fatal Accident Inquiries in Scotland into deaths of service personnel abroad**

Unlike England and Wales, Scotland does not have coroners or inquests. It has a system of Fatal Accident Inquiries for certain types of death, but these cannot take place if the person died outside Scotland. At the moment, when a member of the armed forces with family in Scotland dies in action (in Iraq or Afghanistan, for example), the body of the person who has died is flown back to England and an inquest takes place there. This has meant that bereaved service families in Scotland have had to travel hundreds of miles to attend inquests, which has caused them additional stress at what is already a very difficult time.

We have worked with the Scottish Government and the Ministry of Defence to find a way forward. The Bill now amends Scottish law so that when service personnel are killed on active service abroad, Fatal Accident Inquiries will be able to take place in Scotland. This means that in most cases bereaved service families will no longer have to travel to England for an inquest.

### **Northern Ireland inquests into deaths abroad**

Although Northern Ireland, unlike Scotland, has a coroner system, the law there does not allow the coroner to investigate a death outside Northern Ireland, even if the body of the person who has died is returned there. We have now amended the Bill, and the coroners' legislation in Northern Ireland, to the effect that inquests may be held there into any death overseas, including service personnel, when a body of someone who has died is returned to Northern Ireland, and the death is unexplained or unexpected or there are suspicious circumstances.

### **Main points raised at Report Stage and Third Reading**

In her speech at Third Reading, Bridget Prentice said: "Although it is understandable that much of our deliberation has been focused

on the provisions that divide us, we should not lose sight of the many other provisions that have attracted cross-party support."

MPs from all parties said that they supported coroner reform on the whole, particularly placing more emphasis on the role and experience of the bereaved family.

The bulk of the debate on 23 March, however, was on the certification of inquests mentioned on page 1. Many MPs were concerned about the potential abuse of the system. The Secretary of State, Jack Straw, explained during the debate that these inquests will be very rare, and the way the amended clause is drafted will make sure of that. One allegation was that cases which might cause embarrassment to the military of other countries might be held in private. However, Mr Straw made clear that deaths of military personnel, who are killed on active service, are not likely to be included because even in the most controversial cases to date, coroners have not exercised their discretion to sit with juries, and this is likely to remain the case following reform.

The other point looked at by MPs during Report Stage was the introduction of the new clauses on Fatal Accident Inquiries in Scotland for military personnel killed overseas and inquests in Northern Ireland for deaths abroad. All speakers agreed that this was an important reform and one which will improve the experience of bereaved families in Scotland. The new clauses were added to the Bill without a vote.

### **Want to find out more?**

You can find a complete account of what happened at Report Stage and Third Reading, as well as accessing the Bill, by visiting <http://services.parliament.uk/bills/2008-09/coronersandjustice.html>, or contacting the team responsible for the coroners' section of the Bill. The team are:

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