STATUTORY INSTRUMENTS

1980 No. 557

CORONERS

The Coroners (Amendment) Rules 1980

Made - - - - 1*st April* 1980

Coming into Operation 1*st June* 1980

The Lord Chancellor, in exercise of the powers conferred on him by sections 26 and 27 of the Coroners (Amendment) Act 1926(a) and with the concurrence of the Secretary of State, hereby makes the following Rules:—

1. These Rules may be cited as the Coroners (Amendment) Rules 1980 and shall come into operation on 1st June 1980.

2. In these Rules the expression "the principal Rules" means the Coroners Rules 1953(b).

3. After Rule 4(2)(*e*) of the principal Rules there shall be inserted the following sub-paragraph:—

"(*ee*) if the death of the deceased may have been caused by any accident or disease of which notice is required by or under the Health and Safety at Work etc. Act 1974(c) to be given to an inspector appointed under section 19 of that Act, that inspector;".

4. After Rule 15 of the principal Rules there shall be inserted the following Rule:—

"15A. The coroner shall notify the date, hour and place of an inquest to—

(*a*) the spouse or a near relative or personal representative of the deceased whose name and address are known to the coroner; and

(*b*) any other person who—

(i) in the opinion of the coroner is within Rule 16(2) of these Rules; and

(ii) has asked the coroner to notify him of the aforesaid particulars of the inquest; and

(iii) has supplied the coroner with a telephone number or address for the purpose of so notifying him.".

5.—(1) In Rule 16(1) of the principal Rules for the words "any person who in the opinion of the coroner is a properly interested person" there shall be substituted the words "any person who satisfies the coroner that he is within paragraph (2) of this Rule".

(2) For Rule 16(2) of the principal Rules there shall be substituted the following paragraph:—

"(2) Each of the following persons shall have the rights conferred by paragraph (1) of this Rule—

(a) 1926 c. 59.
(b) S.I. 1953/205, amended by S.I. 1956/1691; 1977/1881.
(c) 1974 c. 37.

(*a*) a parent, child, spouse and any personal representative of the deceased;

(*b*) any beneficiary under a policy of insurance issued on the life of the deceased;

(*c*) the insurer who issued such a policy of insurance;

(*d*) any person whose act or omission or that of his agent or servant may in the opinion of the coroner have caused, or contributed to, the death of the deceased;

(*e*) any person appointed by a trade union to which the deceased at the time of his death belonged, if the death of the deceased may have been caused by an injury received in the course of his employment or by an industrial disease;

(*f*) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974, or a representative of an enforcing authority as defined in section 18(7) of that Act, or any other person appointed by a Government Department to attend the inquest;

(*g*) the chief officer of police;

(*h*) any other person who, in the opinion of the coroner, is a properly interested person.".

6. In Rule 21 of the principal Rules for the word "notice" there shall be substituted the words "reasonable notice".

7. In paragraphs (1) and (2) respectively of Rule 24 of the principal Rules after the words in each paragraph "the chief officer of police" there shall be inserted the words "any person notified under Rule 15A of these Rules".

8. In Rule 27 of the principal Rules the proviso shall be omitted.

9. For Rule 28 of the principal Rules there shall be substituted the following Rule:—

"28.—(1) Subject to the provisions of paragraphs (2) to (4) of this Rule, the coroner may admit at an inquest documentary evidence relevant to the purposes of the inquest from any living person which in his opinion is unlikely to be disputed, unless a person who in the opinion of the coroner is within Rule 16(2) of these Rules objects to the documentary evidence being admitted.

(2) Documentary evidence so objected to may be admitted if in the opinion of the coroner the maker of the document is unable to give oral evidence within a reasonable period.

(3) Subject to (4) below, before admitting such documentary evidence the coroner shall at the beginning of the inquest announce publicly:

(*a*) that the documentary evidence may be admitted, and

(*b*) (i) the full name of the maker of the document to be admitted in evidence, and

(ii) a brief account of such document, and

(*c*) that any person who in the opinion of the coroner is within Rule 16(2) of these Rules may object to the admission of any such documentary evidence, and

(*d*) that any person who in the opinion of the coroner is within Rule 16(2) of these Rules is entitled to see a copy of any such documentary evidence if he so wishes.

(4) If during the course of an inquest it appears that there is available at the inquest documentary evidence which in the opinion of the coroner is relevant to the purposes of the inquest but the maker of the document is not present and in the opinion of the coroner the content of the documentary evidence is unlikely to be disputed, the coroner shall at the earliest opportunity during the course of the inquest comply with the provisions of sub-paragraphs (*a*), (*b*), (*c*) and (*d*) of paragraph (3) of this Rule.

(5) A coroner may admit as evidence at an inquest any document made by a deceased person if he is of the opinion that the contents of the document are relevant to the purposes of the inquest.

(6) Any documentary evidence admitted under this Rule shall, unless the coroner otherwise directs, be read aloud at the inquest.".

10. In Rule 32 of the principal Rules for the words "Rules 27, 33 and 34" there shall be substituted the words "Rules 27 and 33".

11. For Rule 34 of the principal Rules there shall be substituted the following Rule:—

"34. A coroner who believes that action should be taken to prevent the recurrence of fatalities similar to that in respect of which the inquest is being held, may announce at the inquest that he is reporting the matter to the person or authority who may have power to take such action and report the matter accordingly.".

12. In Rule 43(1) of the principal Rules—

(*a*) in the definition of the expression "industrial disease" for the words "section fifty-five of the National Insurance (Industrial Injuries) Act 1946" there shall be substituted the words "section 76 of the Social Security Act 1975**(a)**";

(*b*) in the definition of the expression "legal proceedings" for the words "under the National Insurance (Industrial Injuries) Act 1946, or under the Pneumoconiosis and Byssinosis Benefit Act 1951" there shall be substituted the words "under the provisions of the Social Security Act 1975 relating to industrial injuries or under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1975**(b)**";

(*c*) in the definition of the expressions "pneumoconiosis" and "pneumoconiosis medical panel" for the words "the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1948" there shall be substituted the words "the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1975**(c)**".

13. For Schedule 1 to the principal Rules there shall be substituted the Schedule set out in the Schedule to these Rules.

14. After Form 10 in Schedule 3 to the principal Rules there shall be inserted the following Form:—

(a) 1975 c. 14.
(b) 1975 c. 16.
(c) S.I. 1975/1537.

"10A

Notice of inquest arrangements

To

I hereby give you notice that the inquest touching the death of C.D. will take place on (*state day of week*) the (*state date*) day of 19 at a.m./p.m. at (*state place*).

Dated this day of 19 .

Signature.....

Coroner for.....".

15. In note (5)(*b*) in Form 18 in Schedule 3 to the principal Rules (*form of inquisition*) for the verdict "the killing of C.D. was justifiable or excusable" there shall be substituted the following: "C.D. was killed lawfully.".

Hailsham of St. Marylebone, C.

27th March 1980.

I concur,

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

Home Office.
1st April 1980.

SCHEDULE Rule 13

"FIRST SCHEDULE Rule 7

POST-MORTEM EXAMINATION REPORT

THIS REPORT IS CONFIDENTIAL. IT SHOULD NOT BE DISCLOSED TO A THIRD PARTY WITHOUT THE CORONER'S CONSENT

POST-MORTEM EXAMINATION REPORT Serial No.:

Name of deceased: Coroner:
Address (if known):
Identified by: Place of examination: Date and time of examination:
Observers present at examination:

EXTERNAL EXAMINATION*

Stated/Estimated date and time of death: Stated/Apparent age:
Height: Nourishment:
Marks of identification (tattoos, old scars, etc.):
Body surface and musculo-skeletal system:

INTERNAL EXAMINATION*

Central nervous system

Cranial cavity
- Skull:
- Meninges:
- Brain:
- Cerebral vessels:

Respiratory system†

Thoracic cavity
- Larynx:
- Trachea:
- Bronchi:
- Lung parenchyma:
- Plurae:

Cardio-vascular system
- Heart:
  - Weight:
  - Valves:
  - Myocardium:
  - Coronary arteries:
  - Pericardium:
  - Great vessels:

Alimentary system

Mouth:
Tongue:
Oesophagus:

Abdominal cavity
- Stomach and contents:
- Duodenum:
- Intestines:
- Liver and gall bladder:
- Pancreas:
- Peritoneum:

Genito-urinary system
- Kidneys and ureter:
- Bladder and urine:
- Reproductive organs:

NOTES:
*Descriptions of injuries or of complex pathology may be attached on a separate sheet, provided it is properly identified and signed.
†In cases of suspected pneumoconiosis, please consult current DHSS advice.

Endocrine system

Thyroid:

Pituitary:

Adrenals:

Reticulo-endothelial system

Spleen:

Lymph nodes:

Thymus:

In my opinion the cause of death was:

I		I
Disease or condition directly leading to death*	(*a*)	due to (or as a consequence of)
Antecedent causes. Morbid conditions, if any, giving rise to the above cause	(*b*)	due to (or as a consequence of)
(the underlying condition to be recorded last)	(*c*)	
II		II
Other significant conditions *contributing to the death* but NOT related to the disease or condition causing it†	.....	

Any further remarks and supplementary information, including morbid conditions present but in the pathologist's opinion *NOT contributing to the death:*

Is any further laboratory examination to be made which may affect the cause of death.

YES/NO

To the best of my knowledge no cardiac pacemaker remains in the body.

Signature and qualifications

Name (in block letters)

NOTES:

*This does not mean the mode of dying, such as (e.g.) heart failure, asphyxia, asthenia, etc. It means the disease, injury or complication which caused death.

†Conditions which do not in the pathologist's opinion contribute materially to the death should not be included under this heading, but under "supplementary information".

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Coroners Rules 1953. Rule 3 requires notice of a post-mortem examination to be given to an inspector appointed under the Health and Safety at Work etc. Act 1974 when that inspector is given notice of the accident or disease causing the death. Rule 4 requires the coroner to notify certain persons of the time and place of an inquest. Rule 5 defines persons who have a right to examine witnesses at an inquest. Rule 6 requires a coroner to give reasonable notice of the alteration of the time or place of an adjourned inquest. Rule 7 adds to the list of persons to be notified that an adjourned inquest will, or will not, be resumed persons already notified that an inquest is to be held. Rule 9 provides for the admissibility of certain documentary evidence. Rules 8, 10 and 11 forbid a coroner or the jury at an inquest to add a rider to an inquisition designed to prevent the recurrence of similar fatalities. However Rule 11 also permits a coroner to report the matter to the person or authority who may be able to prevent it. Rule 12 updates certain definitions. Rule 13 and the Schedule provide a new form of post-mortem examination report. Rule 14 provides a form for notifying persons that an inquest is to be held. Rule 15 replaces the verdict of justifiable or excusable homicide by a verdict that the killing was lawful.

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Printed in England by McCorquodale Printers Ltd., and published by Her Majesty's Stationery Office
795/P26312/9 D81 K14 4/80

ISBN 0 11 006557 3