EXPLANATORY MEMORANDUM TO

THE CORONERS AND JUSTICE ACT 2009 (CORONER AREAS AND ASSISTANT CORONERS) TRANSITIONAL ORDER 2013

2013 No. 1625

AND

THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER AREAS) ORDER 2013

2013 No. 1626

1. This explanatory memorandum has been prepared by the Ministry of Justice ('the Department) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Coroners and Justice Act 2009 (Coroner Areas and Assistant Coroners) Transitional Order 2013 sets out the new coroners areas on implementation of Part 1 of the 2009 Act, which is a requirement of Schedule 22 to the 2009 Act. The Coroners and Justice Act 2009 (Alteration of Coroner Areas) Order 2013 then amalgamates a number of coroner areas in accordance with the requirements of the 2009 Act.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The legislation governing coroners is currently the Coroners Act 1988 ('the 1988 Act'), the majority of which will be repealed when Part 1 of the 2009 Act and its subordinate legislation come into force.

4.2 Part 1 of the 2009 Act makes a number of changes to the coroner system, including the appointment of a Chief Coroner to provide national leadership to coroners in England and Wales. It changes much of the terminology of the 1988 Act and in particular renames "coroner's districts" as "coroner areas" and gives new titles to coroners.

4.3 Paragraph 1 of Schedule 22 to the 2009 Act requires the Lord Chancellor, on making an order repealing sections 1 to 7 of the 1988 Act, to make a transitional order specifying as a coroner area the area of each coroner's district immediately before the repeal. It also requires the Lord Chancellor to specify the minimum number of 'assistant coroners' per coroner area. Paragraph 2 of Schedule 2 to the 2009 Act allows the Lord

Chancellor, by order, to alter coroner areas. Before making such an order, the Lord Chancellor must consult whichever local authorities he thinks appropriate, in the case of coroner areas in Wales, the Welsh Ministers, and any other person the Lord Chancellor thinks appropriate.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 Currently there are 110 coroner districts served by 97 ‘coroners’ (who become ‘senior coroners’ under the 2009 Act). This is because a number of coroners hold more than one jurisdiction, primarily where the local authority area is a ‘unitary authority’, which has until now prevented amalgamation with a neighbouring district.

7.2 The policy objectives behind Schedule 2 and other provisions of the 2009 Act are to move towards larger coroner areas, each of which supports a full-time senior coroner. Larger coroner areas will mean economies of scale for local authorities through, for example, sharing of staff and other resources, while full-time coroners will be able to focus entirely on their coronial duties, and thus develop their skills and experiences more fully. This will also help bring about greater consistency of practice between areas. The creation of larger coroner jurisdictions should not mean reduced access to local services and we would not expect bereaved people to have to travel long distances to attend inquest hearings.

7.3 The Department intends to repeal sections 1 to 7 and the majority of the other provisions in the 1988 Act on 25 July. The Coroners and Justice Act 2009 (Coroner Areas and Assistant Coroners) Transitional Order 2013 therefore renames each of the 110 coroner’s districts as coroner areas. It also specifies that there has to be a minimum of one ‘assistant coroner’ per area’ (in order to ensure that the senior coroner will have a nominated deputy).

7.4 The Coroners and Justice Act 2009 (Alteration of Coroner Areas) Order 2013 then amalgamates nineteen of these coroner areas into nine new coroner areas. These changes are being made primarily where one of the old areas covers a unitary authority and the same coroner (or senior coroner) has been appointed to both areas.

8. Consultation outcome

8.1 The Department has consulted on its proposals for new coroner areas, alongside other reforms under the 2009 Act. The consultation ran from 1 March to 12 April 2013. The Department received almost 300 responses to the consultation, principally from coroners, local authorities and bereavement support groups. Only one change has been made to the proposals for amalgamation of coroner areas as a result of the consultation. A full response to the consultation can be found at: https://consult.justice.gov.uk/digital-communications/coroner-reforms.

9. Guidance

9.1 Guidance has been issued to coroners and local authorities on Part 1 of the 2009 Act.

10. Impact

10.1 There is no impact on business, charities, voluntary bodies or the public sector.

11. Regulating small business

11.1 These changes will have no impact on small businesses.

12. Monitoring & review

12.1 The Department intends to review the impact of Part 1 of the 2009 Act 18 months after the provisions come into effect.

13. Contact

Dominic Smales or Elizabeth Knapp at the Department can answer any queries regarding the instrument.

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