EXPLANATORY MEMORANDUM

THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER AREAS) ORDER 2023

2023 No. 313

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 This instrument amalgamates the:

- (a) Newcastle-upon-Tyne and (b) North Tyneside coroner areas to create a new coroner area to be known as "Newcastle and North Tyneside"
- (a) Brighton and Hove and (b) West Sussex coroner areas to create a new coroner area to be known as "West Sussex, Brighton and Hove".

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) of which the instrument forms part of the law) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 Paragraph 2 of Schedule 2 to the Coroners and Justice Act 2009 (the "2009 Act") allows the Lord Chancellor, by Order, to alter coroner areas (including by combining two or more areas). This is the eleventh Order to be made under this power. Before making such an Order, the Lord Chancellor must consult whichever local authorities (and any other persons) he thinks appropriate.

7. Policy background

What is being done and why?

7.1 The opportunity to pursue these two mergers arose following the retirements of the Senior Coroner for North Tyneside in September 2019 and the Senior Coroner for Brighton and Hove in July 2021.

7.2 These mergers are in line with the long-standing Government, and more recent Chief Coroner, policy of supporting and encouraging the merger of coroner areas wherever possible. The purpose of the merger policy is to create larger areas which are better placed to provide a consistent standard of service to bereaved families, and to provide economies of scale for local authorities - for example, in sharing staff and other resources and in contracting for mortuary, pathology and other services. The creation of larger coroner areas should not mean reduced access to local services.

7.3 It is estimated that, once these new merged areas are implemented, there will be approximately 3,100 deaths reported annually in Newcastle and North Tyneside, and 4,200 deaths reported annually in West Sussex, Brighton and Hove. This is in line with theChief Coroner's view that each area should have a caseload of approximately 2,000 – 6,000 reported deaths a year – although there are caveats to this objective, including where a merged coroner area would be coterminous with a large local authority area.

7.4 Newcastle City Council will become the relevant authority for the new coroner area of Newcastle and North Tyneside and will share its funding with North Tyneside Council. Brighton and Hove City Council will become the relevant authority for the new coroner area of West Sussex, Brighton and Hove, and will share its funding with West Sussex County Council.

7.5 Once this order is in force, the current Senior Coroner for Newcastle-upon-Tyne, who is also Senior Coroner for North Tyneside, will become Senior Coroner for the new coroner area of Newcastle and North Tyneside. Similarly, the current Senior Coroner for West Sussex, who is also acting Senior Coroner for Brighton and Hove, will become Senior Coroner for the new coroner area of West Sussex, Brighton and Hove.

Explanations

What did any law do before the changes to be made by this instrument?

7.6 It established the four coroner area as separate entities.

Why is it being changed?

7.7 It is in line with Government and Chief Coroner policy to merge coroner areas when the opportunity arises.

What will it now do?

7.8 It will amalgamate the four coroner areas into two larger ones.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Consolidation is not appropriate as this instrument does not amend another instrument.

10. Consultation outcome

10.1 In accordance with paragraph 2(2) of Schedule 2 to the 2009 Act, targeted consultations were undertaken by the Ministry of Justice for each of the proposed

mergers between December 2022 and January 2023. Each consultation was based on a business case for merging, and an accompanying equalities impact assessment, which were prepared by the local authorities currently administering the relevant coroner areas. The business cases considered the impact of the proposed merger on delivery of the coroner service (including resource impacts) and on those working within it and in associated functions.

10.2 In each case, consultees included relevant local authority officials and Councillors, MPs, coroners (including in neighbouring areas), coroner's officers and administrative staff, police, hospital trusts, prisons and faith communities. Recipients were asked a number of questions based on the business case, including whether they agreed with the proposed merger and the assessments made and, if they disagreed, what adverse impacts could they identify. For both consultations, responses were generally positive.

11. Guidance

11.1 In agreement with the Lord Chancellor, the Chief Coroner has issued guidance on the merger of coroner areas. This guidance is publicly available on the Chief Coroner's website and can be found at https://www.judiciary.uk/wp-content/uploads/2013/09/guidance-no14-mergers-of-coroner-areas.pdf

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies. As such, an impact assessment has not been prepared for this instrument.

12.2 The impact on the public sector is expected to be minimal and generally positive. Most of the changes brought about by the two mergers will focus on the centralisation of the administrative support services. As set out in the equalities impact assessment which formed part of the consultation, it is not expected that external stakeholders, such as bereaved people, hospital services, and the police, will notice a significant difference compared with the existing arrangements.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The Ministry of Justice will carry out a review of the impact of this instrument 12 months after it has come into force. This will allow time for the changes to take effect, whilst providing the opportunity for any immediate concerns resulting from the merger to be raised at an early stage.

15. Contact

15.1 Heather Atkinson at the Ministry of Justice can be contacted with any queries regarding this instrument on 020 3334 4204 or at heather.atkinson@justice.gov.uk.

15.2 Alison Samedi, Deputy Director for Death Management, Miscarriages of Justice Compensation, Inquiries and Coroners Division, at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.

15.3 Mike Freer MP at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.