EXPLANATORY MEMORANDUM

THE CORONERS AND JUSTICE ACT 2009 (ALTERATION OF CORONER AREAS) ORDER 2024

2024 No. 304

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) North Lincolnshire & Grimsby and (b) Lincolnshire coroner areas to create a new coroner area to be known as "Greater Lincolnshire".
- (a) Exeter & Greater Devon and (b) Plymouth, Torbay & South Devon coroner areas to create a new coroner area to be known as "County of Devon, Plymouth and Torbay."
- (a) North Northumberland and (b) South Northumberland coroner areas to create a new coroner area to be known as "Northumberland".

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 twelfth 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 Greater Lincolnshire coroner area – the opportunity to pursue this merger arose following the retirement of the Senior Coroner in the North Lincolnshire and Grimsby coroner area in December 2018. The Senior Coroner for Lincolnshire is also currently the Acting Senior Coroner for North Lincolnshire and Grimsby, and will be appointed as Senior Coroner for the new coroner area of Greater Lincolnshire, subject to the necessary statutory consents, once this Order is in force.

7.2 It is estimated that there will be approximately 4,621 deaths reported annually in the new Greater Lincolnshire coroner area. This is in line with the Chief Coroner's view that each area should have a caseload of approximately 2,000 – 6,000 reported deaths a year. Lincolnshire County Council will become the relevant authority for the new Greater Lincolnshire area, and will share the funding of the area with North Lincolnshire Council and North East Lincolnshire Council.

7.3 The County of Devon, Plymouth and Torbay coroner area – the opportunity to pursue this merger arose following the retirement of the Senior Coroner for Plymouth, Torbay and South Devon in March 2023. The Senior Coroner for Exeter and Greater Devon is also currently the Acting Senior Coroner for Plymouth, Torbay and South Devon and will be appointed as Senior Coroner for the new coroner area of County of Devon, Plymouth and Torbay, subject to the necessary statutory consents, once this Order is in force.

7.4 It is estimated that there will be approximately 4,652 deaths reported annually in the new County of Devon, Plymouth and Torbay coroner area. This is in line with the Chief Coroner's view that each area should have a caseload of approximately 2,000 – 6,000 reported deaths a year. Devon County Council will become the relevant authority for the new County of Devon, Plymouth and Torbay coroner area, and will share the funding of the area with Plymouth City Council and Torbay City Council.

7.5 The Northumberland coroner area - the opportunity to pursue this merger arose following the retirement of the Senior Coroner for South Northumberland in September 2019. The Senior Coroner for North Northumberland is also currently the Acting Senior Coroner for South Northumberland and will be appointed as Senior Coroner for the new coroner area of Northumberland, subject to the necessary statutory consents, once this Order is in force.

7.6 It is estimated that there will be approximately 2,028 deaths reported annually in the new Northumberland coroner area. This is in line with the Chief Coroner's view that each area should have a caseload of approximately 2,000 – 6,000 reported deaths a year. Northumberland County Council is already the relevant (and only) authority for both the North Northumberland and South Northumberland coroner areas, and will become the relevant (and only) authority for the new Northumberland coroner area.

7.7 These mergers are in line with the long-standing Government and Chief Coroner policy of encouraging mergers where such mergers will create larger areas which are better placed to provide a consistent standard of service to bereaved families, and will 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.

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

7.8 It established the six coroner areas as separate entities. The Coroners and Justice Act 2009 (Coroner Areas and Assistant Coroners) Transitional Order 2013 specified the following areas as coroner areas: North Lincolnshire and Grimsby, North Northumberland, South Northumberland, and Exeter and Devon. The Lincolnshire coroner area was created by the Coroners and Justice Act 2009 (Alteration of Coroner Areas) Order 2017 and the Plymouth, Torbay and South Devon coroner area was created by the Coroners and Justice Act 2009 (Alteration of Coroner Areas) Order 2013.

Why is it being changed?

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

What will it now do?

7.10 It will amalgamate the six coroner areas into three 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 on the three proposed mergers. 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), on those working within it and on associated functions.

10.2 In each case, consultees included relevant local authority officials and Councillors, MPs, coroners (including in neighbouring areas), coroners' officers and administrative staff, police, fire service, hospital trusts, and 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 the Northumberland and County of Devon, Plymouth & Torbay consultations, responses were generally positive and, where issues were identified, these were satisfactorily addressed through further engagement with the relevant local authorities.

10.3 Unusually, the consultation relating to a merger with the North Lincolnshire & Grimsby coroner area sought views on two options – the chosen merger with the Lincolnshire coroner area to create a Greater Lincolnshire coroner area; and an alternative option of a merger with the East Riding of Yorkshire & Kingston-Upon-Hull coroner area to create a Humberside coroner area. The number of responses received to the consultation was notably high, and a significant majority of them supported the Greater Lincolnshire option. Again, where issues were identified, these

were satisfactorily addressed through further engagement with the relevant local authorities.

11. Guidance

11.1 The Chief Coroner has issued guidance on the merger of coroner areas. This guidance is publicly available on the Chief Coroner's website.[1]

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 mergers will focus on streamlining processes, moving to a single platform IT system as well as improved choice for families arising from greater flexibility in court location arrangements. As set out in the equalities impact assessments which formed part of the consultations, it is not expected in any of the three mergers that external stakeholders, such as bereaved people, hospital services, and the police, will notice a significant difference compared with the existing arrangements.

12.3 As such, an impact assessment has not been prepared for this instrument.

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 24 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 Terence Davies, 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.

[1] Coroner Guidance is available to read at: https://www.judiciary.uk/guidance-and-resources/guidance-no-14-mergers-of-coroner-areas-2/