

Judicial Review and Courts Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 39

BARONESS CHAPMAN OF DARLINGTON

Page 53, line 33, at end insert—

“(4) After subsection (2), insert—

“(2A) The coroner may not decide that the investigation should be discontinued unless—

- (a) the coroner is satisfied that no outstanding evidence that is relevant to the death is available,
- (b) the coroner has considered whether Article 2 of the European Convention on Human Rights is engaged and is satisfied that it is not,
- (c) there are no ongoing investigations by public bodies into the death,
- (d) the coroner has invited and considered representations from any interested person known to the coroner named at section 47(2)(a) or (b) (interested persons), and
- (e) all interested persons known to the coroner named at section 47(2)(a) or (b) consent to discontinuation of the investigation.

(2B) If a coroner is satisfied that subsection (1) applies, and has complied with the provisions at subsection (2A)(a) to (d), prior to discontinuing the investigation, the coroner must—

- (a) inform each interested person known to the coroner named at section 47(2)(a) or (b) of the coroner’s intended decision and provide a written explanation as to the reasons for this intended decision,
- (b) explain to each interested person known to the coroner named at section 47(2)(a) or (b) that the investigation may only be discontinued if all such interested persons consent, and
- (c) invite each interested person known to the coroner named at section 47(2)(a) or (b) to consent to the discontinuation of the investigation.””

Member's explanatory statement

This amendment would ensure that certain safeguards are met before a coroner can discontinue an investigation into a death and that family members and personal representatives of the deceased are provided with the coroner's provisional reasons for why the coroner considers that the investigation should be discontinued, helping ensure that family members make an informed decision as to whether to consent to the discontinuation.

Page 53, line 33, at end insert –

“(4) In section 43(3) of the Coroners and Justice Act 2009 (coroners regulations), after paragraph (a) insert –

“(aa) provision for the establishment of an appeals process for interested persons who disagree with the decision to discontinue an investigation under the provision in section 4;”.

Member's explanatory statement

This amendment provides that the Lord Chancellor should establish an appeal process for families who disagree with the decision to discontinue an investigation.

Clause 40

BARONESS CHAPMAN OF DARLINGTON

Page 54, line 18, at end insert –

“(e) the coroner has considered the views of any of the interested persons named at section 47(2)(a) or (b) (interested persons) who are known to the coroner, and

(f) all of the interested persons named at section 47(2)(a) or (b) who are known to the coroner consent to an inquest in writing.”

Member's explanatory statement

This amendment will ensure that inquests are not held without a hearing if that is against the wishes of the deceased's family.

Clause 41

BARONESS CHAPMAN OF DARLINGTON

Page 55, line 10, at end insert –

“(2B) Coroners rules that provide for the conduct of hearings wholly or partly by way of electronic transmission of sounds or images must specify that, other than for any pre-inquest hearing, such a hearing may only be held if –

(a) all interested persons known to the coroner named at section 47(2)(a) or (b) (interested persons) consent to such a hearing,

(b) the coroner is satisfied, and continues to be satisfied until the conclusion of any such hearing, that such a hearing is in the interests of justice, considering all the circumstances of the case,

(c) the coroner has considered the likely complexity of the inquest, and

Clause 41 - continued

- (d) the coroner has considered the ability of interested persons known to the coroner to engage effectively with the hearing by way of electronic transmission of sounds or images.
- (2C) Coroners rules that provide for the conduct of hearings wholly or partly by way of electronic transmission of sounds or images must require coroners to set out to all interested persons the reasons why such a hearing, other than any pre-inquest hearing, is to be held wholly or partly by way of electronic transmission –
 - (a) at the conclusion of any pre-inquest hearing where any such hearing is ordered, if applicable, and
 - (b) in writing as soon as practicable after a decision has been taken for such a hearing to be held and prior to the commencement of the hearing.”

Member’s explanatory statement

This amendment would ensure that certain safeguards are met before a remote inquest hearing is held and that interested persons are provided with the reasons why a remote hearing is to be held.

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10 March 2022
