

THE CORONERS ACT 1980

(c. 38)

An Act to abolish the obligation of coroners under the law of England and Wales to view the bodies on which they hold inquests; to make fresh provision for inquests to be held in districts other than that in which the body lies; to confer new powers for the exhumation of bodies; and for connected purposes.

[July 17, 1980]

SECTION 1

Abolition of requirement for a coroner holding an inquest to view the body

1. It shall not be obligatory for a coroner holding an inquest on a body to view the body and—

- (a) the validity of an inquest shall not be questioned in any court on the ground that the coroner did not view the body;
- (b) the enactments specified in Schedule 1 and Schedule 2 to this Act (which relate to the view of the body by the coroner and jury) are amended or repealed as provided in those Schedules; and
- (c) no body shall be ordered by a coroner to be exhumed except under section 4 of this Act.

SECTION 2

Power to hold inquests in areas other than that in which the body lies

2.—(1) If it appears to a coroner that an inquest ought to be held on a body lying within his area but it is expedient that the inquest should be held by some other coroner he may request that coroner to assume jurisdiction to hold the inquest and if that coroner agrees he, and not the coroner within whose area the body is lying, shall have jurisdiction to hold the inquest.

(2) If the coroner who has been requested to assume jurisdiction declines to assume it the coroner who has made the request may apply to the Secretary of State for a direction designating the coroner who is to hold the inquest.

(3) On the making of an application under subsection (2) above the Secretary of State shall determine by which coroner (whether one of the two mentioned in that subsection or another) the inquest should in all the circumstances be held and shall direct him to assume jurisdiction or, as the case may be, to exercise his jurisdiction to hold the inquest; and where a

direction is given under this subsection directing a coroner to assume jurisdiction he, and not the coroner within whose area the body is lying, shall have jurisdiction to hold the inquest and shall hold it accordingly.

(4) Where jurisdiction to hold an inquest is assumed under this section it shall not be necessary to remove the body into the area of the coroner who is to hold the inquest.

(5) Any request made or agreement given, any application for a direction and any direction under any of the preceding provisions of this section shall be made or given in writing.

(6) Notice of the making of an application by one coroner under subsection (2) above shall be given to the other coroner and notice of the direction given pursuant to it shall be given, in a case where the direction is given to the coroner who has made or the coroner who had notice of the application, to the other coroner and, in a case where the direction is given to some other coroner, to the coroner who made and the coroner who had notice of the application.

SECTION 3

Provisions supplementary to s.2

3.—(1) On the assumption by a coroner of jurisdiction to hold an inquest under section 2 above that coroner shall also assume, in relation to the body and the inquest, all the powers and duties which would belong to him if the body were lying within his area (including the power to order its exhumation under section 4 below) and may exercise those powers notwithstanding that the body remains outside his area or, having been removed into it, is removed out of it by virtue of any order of his for its examination or burial.

(2) On the assumption of the powers and duties referred to in subsection (1) above by the coroner who assumes jurisdiction to hold the inquest the coroner within whose area the body is lying shall cease to have any powers or duties in relation to the body or the inquest notwithstanding that the body remains within his area or comes to be buried there.

(3) It shall be for the coroner who assumes, and not for the coroner who ceases to have, jurisdiction to hold an inquest under section 2 above to pay any fees or other expenses incurred in the course of his duties by the latter coroner before he ceased to have jurisdiction and such fees and expenses shall be accounted for and repaid accordingly.

(4) At the beginning of section 7(1) of the Coroners Act 1887 (jurisdiction of a coroner dependent on the presence of the body in his area) there shall be inserted the words "Unless he has assumed jurisdiction under section 2 of the Coroners Act 1980."

(5) Sections 16 and 17 of the Coroners (Amendment) Act 1926 (which are superseded by section 2 above and this section) are hereby repealed.

SECTION 4*Power of coroner to order exhumation of bodies*

4.—(1) A coroner may order the exhumation of the body of a person buried within the area within which he has jurisdiction where it appears to him that it is necessary for the body to be examined—

- (a) for the purpose of his holding an inquest touching that person's death or discharging any other function of his in relation to the body or the death; or
- (b) for the purposes of any criminal proceedings which have been instituted or are contemplated in respect of the death of that person or of some other person who came by his death in circumstances connected with the death of the person whose body is needed for examination.

(2) The power of a coroner under this section shall be exercisable by warrant under his hand.

SECTION 5*Citation, construction and extent*

5.—(1) This Act may be cited as the Coroners Act 1980 and shall be construed as one with the Coroners Acts 1887 to 1954 and those Acts and this Act may be cited together as the Coroners Acts 1887 to 1980.

(2) This Act extends to England and Wales only except that the repeal in section 30(2)(a) of the Merchant Shipping Act 1979 extends also to Northern Ireland.

SCHEDULE 1**CONSEQUENTIAL AMENDMENTS***The Coroners Act 1887*

1. In section 3(2) of the Coroners Act 1887, for the words "on the body", there shall be substituted the words "touching the death".

2. In section 29(4) of the said Act of 1887, for the word "body" in the second place where it occurs, there shall be substituted the word "person".

The Coroners (Amendment) Act 1926

3. In section 13(1) of the Coroners (Amendment) Act 1926, for the words "on the body", there shall be substituted the words "into the death of that person".

4. In section 18 of the said Act of 1926, for the words from "held otherwise" to "lying", there shall be substituted the words "one into the death of a person whose body does not lie".

5. In section 20(8) of the said Act of 1926, for the words "upon the body", there shall be substituted the words "touching the death".

6. In section 21(1) of the said Act of 1926, for the words "upon the body", there shall be substituted the words "touching the death".

7. In section 24(3) of the said Act of 1926, for the word "thereon", there shall be substituted the words "touching the death of the person whose body it is".