



BRIEFING PAPER

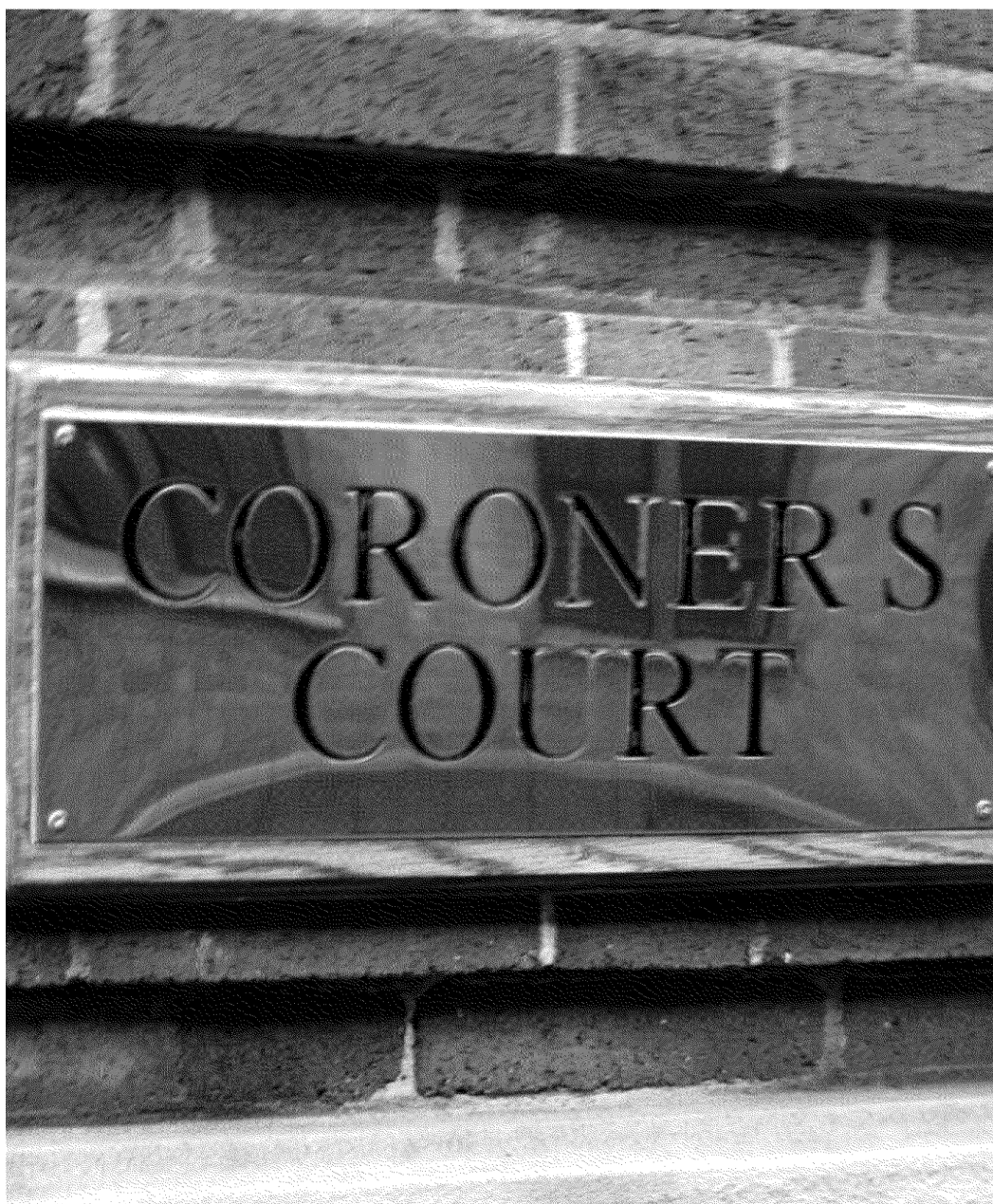
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# The Office of the Chief Coroner

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## Summary

### Creation and implementation of the office of Chief Coroner

The enactment of Part 1 of the [\*Coroners and Justice Act 2009\*](#) (the 2009 Act) followed a long process of policy development relating to the reform of the coroner system in England and Wales. Among other things, the 2009 Act provides for the appointment of a Chief Coroner to give national leadership to the coroner service, and includes a number of powers for the Chief Coroner.

The Coalition Government considered abolishing the office of Chief Coroner, because of the costs involved, or leaving the Office on the statute book, but transferring some (but not all) of the functions of the Chief Coroner to the Lord Chief Justice and the Lord Chancellor.

These proposals attracted considerable criticism, from both within and outside of Parliament. On 22 November 2011, the then Lord Chancellor and Secretary of State for Justice, Kenneth Clarke, announced that, having listened to concerns, he had decided to implement the Office of the Chief Coroner.

### Appointment of the Chief Coroner

The appointment of the Chief Coroner is made by the Lord Chief Justice in consultation with the Lord Chancellor. The extent of the Chief Coroner's jurisdiction is England and Wales.

The first Chief Coroner was senior circuit judge Sir Peter Thornton QC, who was appointed on 6 May 2010 but did not begin acting as Chief Coroner until 17 September 2012. Sir Peter served as Chief Coroner until 30 September 2016. He was succeeded by His Honour Judge Mark Lucraft QC, who served from 1 October 2016 until 30 September 2021. The current Chief Coroner, His Honour Judge Thomas Teague QC, assumed his post on 24 December 2020.

### The role of the Chief Coroner

The Chief Coroner's responsibilities include providing support, leadership and guidance for coroners in England and Wales and setting national standards for all coroners. The Chief Coroner is required to provide an annual report on the coroner system to the Lord Chancellor, to be laid before Parliament.

The Chief Coroner's Office has published a range of materials, available on the Courts and Tribunals Judiciary website, including a guide to the 2009 Act and [guidance](#) on a range of specific issues.

Coroners have a duty to make reports to a person, organisation, local authority or Government department or agency where the coroner believes that action should be taken to prevent future deaths. The reports and responses to them must be sent to the Chief Coroner. In most cases the Chief Coroner will publish the [reports and responses](#) on the Chief Coroner's section of the Courts and Tribunals Judiciary website.

# 1. Creation of the office of the Chief Coroner

## 1.1 The Coroners and Justice Act 2009

The enactment of Part 1 of the *Coroners and Justice Act 2009* (the 2009 Act) followed a long process of policy development relating to the reform of the coroner system in England and Wales.<sup>1</sup>

Part 1 of the 2009 Act (sections 1 to 51) deals with coroners and related matters. It provides for the appointment of a Chief Coroner and Deputy Chief Coroners to give national leadership to the coroner service, and includes a number of powers for the Chief Coroner.

The extent of the Chief Coroner's jurisdiction is England and Wales.

## 1.2 Implementation of the 2009 Act

The 2009 Act received Royal Assent in November 2009.

Section 35 and Schedule 8 to the 2009 Act, which created the office of Chief Coroner of England and Wales, came into force for appointment purposes on 1 February 2010.

The then Labour Government intended to bring into force most of the remaining provisions relating to coroners in April 2012, with the then proposed new appeal system following a year later (the appeal system was later repealed before it was implemented).

Following the 2010 election, the Coalition Government first announced that the Office of the Chief Coroner would be abolished as part of the drive to reduce the budget deficit, and that some of the Chief Coroner's functions would be transferred to suitable alternative bodies. It then proposed to leave the Office on the statute book, but to transfer some (but not all) of the functions of the Chief Coroner to the Lord Chief Justice and the Lord Chancellor.

These proposals attracted considerable criticism, from both within and outside of Parliament. On 22 November 2011, the then Lord Chancellor and Secretary of State for Justice, Kenneth Clarke, announced that, having listened to concerns, he had decided to implement the Office of the Chief Coroner.

Part 1 of the 2009 Act was largely implemented in July 2013.

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<sup>1</sup> Detailed information about the process of policy development is included in a Commons Library second reading briefing paper, *Coroners and Justice Bill: coroners and death certification*, RP09/07, 22 January 2009. Another Library briefing paper, *Coroners and Justice Bill: Lords amendments*, SN05211, 6 November 2009 includes information about amendments made in the House of Lords before the Bill returned to the House of Commons. The *Explanatory Notes* published with the Act set out information about the Act as enacted

### **1.3 Appointment of Chief Coroner**

The appointment of the Chief Coroner is made by the Lord Chief Justice in consultation with the Lord Chancellor.

The first Chief Coroner was senior circuit judge Sir Peter Thornton QC, who was appointed on 6 May 2010. Before taking up his post, however, he was asked by the incoming Coalition Government not to do so, while proposals to abolish the Office were considered. Following the Coalition Government's subsequent decision to implement the Office of Chief Coroner, Sir Peter commenced his appointment with effect from 17 September 2012, and served until 30 September 2016.

On 18 August 2016, the Lord Chief Justice, after consultation with the Lord Chancellor, appointed His Honour Judge Mark Lucraft QC as the second Chief Coroner of England and Wales. Mark Lucraft's tenure as Chief Coroner ran from 1 October 2016 until 30 September 2021.

The current Chief Coroner, His Honour Judge Thomas Teague QC, assumed his post on 24 December 2020. He will serve a three year term.

### **1.4 Appointment of Deputy Chief Coroners**

The post of Deputy Chief Coroner was initially left vacant. The first Deputy Chief Coroners were appointed on 14 January 2019. They are Derek Winter, Senior Coroner for the Sunderland coroner area, and Her Honour Judge Alexia Durran. They support the Chief Coroner whilst continuing in their respective roles.

## 2. The role of the Chief Coroner

The [Courts and Tribunals Judiciary website](#) provides this summary of the role of the Chief Coroner:

The Chief Coroner has a number of roles but his main responsibilities will be to:

- Provide support, leadership and guidance for coroners in England and Wales;
- Set national standards for all coroners, including new inquest rules;
- Oversee the implementation of the new provisions of the Coroners and Justice Act 2009;
- Put in place suitable training arrangements for coroners and their staff;
- Approve coroner appointments;
- Keep a register of coroner investigations lasting more than 12 months and take steps to reduce unnecessary delays;
- Monitor investigations into the deaths of service personnel;
- Oversee transfers of cases between coroners and direct coroners to conduct investigations;
- Provide an annual report on the coroner system to the Lord Chancellor, to be laid before Parliament;
- Monitor the system where recommendations from inquests are reported to the appropriate authorities in order to prevent further deaths.<sup>2</sup>

The Courts and Tribunals Judiciary has also published some [Frequently Asked Questions about the Chief Coroner and the Coroner Service](#).<sup>3</sup>

In addition, the Chief Coroner often sits as a judge of the High Court in judicial reviews of coroners' decisions where the challenge does not engage any of his duties as Chief Coroner.<sup>4</sup>

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<sup>2</sup> Courts and Tribunals Judiciary, [Office of the Chief Coroner](#) [accessed 19 February 2021]

<sup>3</sup> 24 November 2015 [accessed 19 February 2021]

<sup>4</sup> [R \(Silvera\) v HM Senior Coroner for Oxfordshire \[2017\] EWHC 2499 \(Admin\) \[41\] \(Charles J\)](#)

## 3. Chief Coroner publications

### 3.1 Guidance, law sheets and advice

The Chief Coroner has published a range of materials, available on the Courts and Tribunals Judiciary website, including:

- [Chief Coroner's Guide to the Coroners and Justice Act 2009](#);<sup>5</sup>
- [Treasure: A Practical Guide for Coroners – Advice from the Chief Coroner](#);<sup>6</sup>
- [Guidance on a range of specific issues and Law Sheets](#);
- [Key cases](#).

### 3.2 Reports to prevent future deaths

Coroners have a duty to make reports to a person, organisation, local authority or Government department or agency where the coroner believes that action should be taken to prevent future deaths.<sup>7</sup> These reports are known as “reports to prevent future deaths”, “Regulation 28 reports” or “PFD reports” and were formerly known as “Rule 43 reports”.

The Chief Coroner's [Guidance No. 5, Reports to prevent future deaths](#) provides detailed information, including about the circumstances in which the coroner's duty arises.<sup>8</sup>

The reports and responses to them must be sent to the Chief Coroner. In most cases the Chief Coroner will publish the reports and responses on the [Chief Coroner's section of the Courts and Tribunals Judiciary website](#).

### 3.3 Annual reports

[Section 36 of the 2009 Act](#) requires the Chief Coroner to make an annual report to the Lord Chancellor and sets out a number of matters which must be included in the report. To date, six annual reports have been published which are available on the GOV.UK website:

- [Chief Coroner's annual report: 2013 to 2014](#), 15 July 2014
- [Chief Coroner's annual report: 2014 to 2015](#), 16 July 2015
- [Chief Coroner's annual report: 2015 to 2016](#), 8 September 2016
- [Chief Coroner's annual report: 2016 to 2017](#), 30 November 2017
- [Chief Coroner's annual report: 2017 to 2018](#), 13 December 2018
- [Chief Coroner's combined annual report: 2018 to 2019 and 2019 to 2020](#), 5 November 2020

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<sup>5</sup> 1 September 2013

<sup>6</sup> 5 July 2016

<sup>7</sup> *Coroners and Justice Act 2009*, Schedule 5, Paragraph 7

<sup>8</sup> 16 July 2013, latest revision 4 November 2020



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