

CONTENTS

	Page
Foreword	v
Preface	vii
Table of Cases	xvii
Table of Statutes	lxiii
Table of Statutory Instruments	lxxix
Table of Civil Procedure Rules	lxxxvii
Table of Practice Directions	lxxxix
Table of National Legislation	xcii
Table of International Conventions	xcv

PART I THE OFFICE OF CORONER

Chapter 1. General Introduction

Context	1-01
Early History	1-04
Status and Position of Coroners	1-11
The Coroner's Inquiry	1-18
Other Functions	1-31
Relations with Central Government	1-36
The New System	1-40
Human Rights	1-51

Chapter 2. The Office of Coroner

Classification of Coroners	2-01
Appointment	2-19
Terms of Appointment: The Chief Coroner	2-48
Senior, Area and Assistant Coroners: Terms of Appointment	2-69

Chapter 3. Medical Examiners

Introduction	3-01
Appointment	3-05
Functions	3-07
National Medical Examiner	3-12

Chapter 4. The Territorial Jurisdiction of Coroners

Territorial Jurisdiction	4-01
Extra-Territorial Jurisdiction	4-18

CONTENTS

PART II THE INVESTIGATION

Chapter 5. Beginning the Investigation

Basis of Coronial Jurisdiction	5-01
What Amounts to a Body	5-03
Jurisdiction without a Body	5-16
Duty to Report Death	5-24
Certificate of Cause of Death	5-27
Deaths Associated with Operations or Anaesthesia	5-36
Doctor's Knowledge of Criminal Acts	5-44
Registrar's Report to Coroner	5-47
Other Reports to Coroner	5-50
Report to Registrar	5-53
Other Reports	5-58
Coroner's Enquiries	5-61
Violent or Unnatural Deaths	5-70
Death of which the Cause is Unknown	5-80
Death in Custody or State Detention	5-83
Deaths Outside England and Wales	5-87
Deaths Involving Visiting Forces	5-98
State and Diplomatic Immunity	5-109
Concurrent Jurisdiction	5-116
Refusal to Hold an Inquest	5-121

Chapter 6. The Scope of the Investigation

Introduction	6-01
The Four Questions	6-03
The Effect of the Human Rights Act 1998	6-14

Chapter 7. Information and Publicity

Context	7-01
Publicity	7-02
Coroner's Powers to Obtain Information	7-12
Disclosure of Information	7-24
Data Protection	7-33
Freedom of Information	7-45
Copyright	7-48
Privilege	7-60

Chapter 8. Coroner's Powers Before Inquest

Reference to Coroner	8-01
Exhumation	8-03
Possession and Release of Body	8-11
Preliminary Inquiries	8-13
The Investigation	8-18
Post-Mortem Examinations	8-39
After the Examination	8-70
Organ Transplants	8-78
Anatomical Examination	8-87
Human Gametes	8-90

CONTENTS

Chapter 9. Disposal of Human Remains

Possession of a Body	9-01
Disposal of a Body	9-13
Removal of Bodies out of England and Wales	9-36

PART III THE INQUEST

Chapter 10. The Inquest: Preliminaries

Status of the Court	10-01
Opening and Adjourning the Inquest	10-04
Time of Inquest	10-14
Place of Inquest	10-16
Notice of Inquest	10-21
Summoning Witnesses	10-25
Joinder of Inquests	10-31
Summoning a Jury	10-33
Legal Aid	10-51
Preparation for the Hearing	10-64
Compulsory Suspension of Investigation and Adjournment of Inquest	10-73
Pre-Inquest Review	10-90

Chapter 11. Procedure at the Inquest: Part I

Holding/Resuming the Inquest	11-01
Publicity	11-04
The Jury	11-07
Composition of the Bench	11-24
Counsel to the Inquest	11-29
Views	11-31
Adjournment of the Inquest	11-36
Representation and Advocacy	11-58
Application by Interested Persons	11-65
Reporting Restrictions	11-70
Contempt of Court	11-89

Chapter 12. Procedure at the Inquest: Part II

Witnesses	12-01
Evidence	12-70
Documentary Evidence	12-98
Admission of Documents	12-101
Other Procedural Matters	12-104

Chapter 13. Determination and Record of Inquest

Determination and Findings	13-01
Jury Cases	13-04
Record of Inquest	13-18
Closing the Inquest	13-120
Reports to Prevent Future Deaths	13-122

CONTENTS

PART IV SPECIAL CASES

Chapter 14. Homicide

The Practice in Homicide Cases	14-01
Initial Inquiries	14-04
Post-Mortem Examination	14-08
Procedure Following Post-Mortem Examination	14-16
Holding the Inquest	14-23
The Law of Homicide in Outline	14-33
Participation in Crime	14-120

Chapter 15. Notifiable Accidents and Prescribed Diseases

General	15-01
Notifiable Accidents and Occurrences	15-06
Agricultural Accidents	15-25
Injury in the Course of Employment	15-28
Notifiable Diseases	15-32
Industrial Diseases	15-34
Other Reportable Diseases	15-36
Other Forms of Inquiry	15-38

Chapter 16. Treasure

Medieval Definition	16-02
The Treasure Act 1996	16-11
Codes of Practice and Reports	16-16
Jurisdiction of the Coroner	16-18
The Coroner's Powers and Duties	16-29
Disclaimer	16-35
Function of an Inquest into Treasure	16-41
Evidence and Procedure	16-44
Verdict	16-51
Modern Application	16-55

Chapter 17. Major Disasters

Introduction	17-01
Cadre of DVI Coroners	17-05
Contingency Planning	17-10
Mortuary and Other Facilities	17-23
The Course of the Inquiry	17-37
Pathology	17-53
Costs	17-58
Coordination with Other Inquiries	17-59
Holding the Inquest	17-62
Multiple Deaths by Homicide	17-65

PART V AFTER THE INQUEST

Chapter 18. Matters After the Inquiry

Functus officio	18-01
-----------------------	-------

CONTENTS

Post-Inquiry Duties	18-10
Other Returns	18-27
Fees, Allowances and Expenses	18-33
Access to Documents and Information	18-53
General Administrative Matters	18-54

Chapter 19. Appeals

Introduction	19-01
Statutory Power	19-05
Judicial Review	19-25
Costs	19-70
Appeals to the Court of Appeal	19-87
Residual Common Law Powers	19-88
Funding of Legal Services	19-89
Consequences	19-90

Chapter 20. Further Proceedings

PART VI THE INTERNATIONAL DIMENSION

Chapter 21. Coroners and Human Rights

Introduction	21-01
The Right to Life	21-15
The Right to a Fair Hearing	21-22
The Right to Respect for Private and Family Life	21-29
The Right to Freedom of Religion and Belief	21-39
The Right to Freedom of Expression	21-42
Other Miscellaneous Rights	21-44

Chapter 22. Comparative Death Inquiry Law

Introduction	22-01
Common Law Systems	22-03
Mixed Jurisdictions	22-45
Civilian Systems	22-59
Conclusion	22-77

PART VII APPENDICES

	Page
Appendix 1. Statutes and Statutory Extracts	553
Appendix 2. Statutory Instruments	799
Appendix 3. Forms	1027
Appendix 4. Precedents for Judicial Review	1039
Appendix 5. Death	1061
Appendix 6. Forensic Medicine and Pathology	1063
Appendix 7. Useful Websites	1067

Index	1075
-------------	------