
This is the third bulletin about the Coroners and Justice Bill's progress through Parliament. If you would like to receive this Bulletin in a different format, please contact Margaret Haig at Margaret.Haig@justice.gsi.gov.uk.

Parliamentary Timetable

The Bill has now completed its Second Reading in the House of Lords on 18 May.

Committee stage, where there is a line by line examination of the Bill, will begin on 9 and 10 June and is likely to continue for some weeks. It is expected that the coroner reform section of the Bill (Part 1) will take up all of the sessions on 9 and 10 June. All the dates will be published on the Parliament website.

Amendments announced at Second Reading

On Friday 15 May, Justice Secretary Jack Straw made a Written Ministerial Statement to Parliament, announcing that the provisions on certified inquests would be removed from the Coroners and Justice Bill. This was confirmed during the opening speech at Second Reading by Justice Minister Lord Bach.

The other amendment announced by Lord Bach was that the role of Coroner for Treasure will be added to the Bill at Committee stage.

Certified inquests

In the Written Ministerial Statement (available at <http://www.publications.parliament.uk/pa/cm/cmtoday/cmwms/archive/090515.htm>)

Jack Straw explained that the proposals for certified inquests had changed considerably since they were first introduced in the Counter Terrorism Bill in 2008.

Further changes were then made in response to concerns raised during the Commons stages of the Bill's passage. However despite this it was clear that these clauses did not command the necessary cross-party support.

As a result Jack Straw took the decision to remove the certified inquests proposals (in effect, clauses 11 and 12 and any matter related to them) and this will be done through Government amendments which will be tabled shortly. The amendments are expected to be debated at Committee stage in the House of Lords on 9 June.

Some investigations into deaths will still have highly sensitive material which is relevant to the investigation but cannot be released to the public. In these rare and exceptional cases the government will consider establishing an inquiry under the Inquiries Act 2005 to ascertain the circumstances the deceased came by his or her death. Each case will be looked at on its own individual merits.

Treasure

Many of you will be aware that the draft Coroners Bill published in 2006 contained provision for a Coroner for Treasure, who would investigate all treasure finds in England and Wales. This was removed from the Bill because we were not convinced of the real need for the post.

However, we were presented with evidence at the Commons Committee stage which suggested that it was a necessary reform for the coroner system. We have therefore reintroduced the Coroner for Treasure, as well as some other amendments to the treasure system.

The introduction of a Coroner for Treasure will lead to two significant improvements. First, local coroners will not have to divert their time from investigating deaths and second, people who find treasure will not have to wait as long for their find to be determined as treasure.

The other amendments to the Treasure Act 1996 include extending the period allowed for a prosecution under the Act, which is currently six months. This does not allow Police enough time to build a case, so we are extending the period to a maximum of three years.

Other points raised at Second Reading

Lord Bach said in his opening speech: “I have no doubt that there are a number of issues covered by the Bill that will be robustly debated. I welcome that. However, I hope that, throughout the scrutiny process, we will not lose sight of the needs of those who have suffered as a result of crime, and also witnesses and, of course, bereaved families. They deserve the best possible service from criminal justice agencies, coroners and their staff.”

There was significant general support for the coroner reforms in the Coroners and Justice Bill, although a number of peers expressed concern about specific issues. Several peers welcomed the removal of the certified inquest clauses.

Baroness Fookes, Lord Ramsbotham, Baroness Dean of Thornton-le-Fylde and Lord Craig of Radley were especially concerned about inquests involving military personnel. It was suggested that there should be a Deputy Chief Coroner who is a specialist in military inquests. There were also concerns raised about the availability of legal aid for these inquests.

Lord Imbert and Lord Ramsbotham thought that there should be an independent national coroner service and several peers raised concerns about the resourcing of the reformed service.

Lord Howarth of Newport and Lord Redesdale welcomed the announcement to establish a Coroner for Treasure, but wanted to know whether certain other proposals which were in the 2006 draft Bill will also be included. The final version of the amendments will be tabled in advance of the Committee meeting on 9 June and everyone will be able to scrutinise the amendments then.

Baroness Williams, Baroness Finlay of Llandaff, Lord Turnberg and Lord Alderdice all raised issues around the new medical examiners, whether they would be sufficiently independent, what qualifications and experience they would require and so on.

It is anticipated that all of these issues will be debated in more detail at Committee stage.

In his closing comments, Lord Bach summed up the situation by saying “I am pleased, too, that the need to change the law on coroners has been largely accepted. It is something that has long been wanted. We need to give the system a new lease of life, give bereaved families a stronger voice, and provide a more effective, transparent and responsive service generally.”

Want to find out more?

You can find a complete account of what happened at Second Reading, as well as accessing the Bill and the scheduled dates for Committee, by visiting <http://services.parliament.uk/bills/2008-09/coronersandjustice.html>.

You can also contact the team responsible for the coroners' section of the Bill. The team are:

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