

THE CORONER

WHAT DOES THE CORONER DO?

1. It is in the general interest of the community that any sudden or unexplained death should be investigated, and every county has to appoint one or more Coroners, who are experienced doctors or lawyers, to do this. The cost of this service is met from the rates, but Coroners are judicial officers who are quite independent of both local and central government and are required to act in accordance with certain laws and rules of procedure. They have to be available (or arrange for suitably qualified deputies to be available) at all times. Coroners are assisted by small staffs of officers, whose number depends upon the size and population of the district in which they serve.

ARE ALL DEATHS REPORTED TO THE CORONER?

2. No. In most cases the deceased's own doctor, or a hospital doctor who has been treating him, is able to give a medical certificate of the cause of death.

WHEN IS A DEATH REPORTED TO THE CORONER?

3. When no doctor has treated the deceased during his or her last illness; or
when the doctor attending the patient did not see him or her within 14 days before death, or after death; or

when the death occurred during an operation or before recovery from the effect of an anaesthetic; or

when the death was sudden and unexplained or attended by suspicious circumstances; or

when the death might be due to an industrial injury or disease, or to accident, violence, neglect or abortion, or to any kind of poisoning.

HOW IS A DEATH REPORTED?

4. A death occurring in any of the above circumstances is usually reported to the Coroner by the police or by a doctor called to the death if it is sudden or accidental, or by a doctor who was treating the person who died if the death was unexpected. Where no such report has been made then a duty falls upon the Registrar of Deaths to make the report. But however the death is reported, the Registrar must await the outcome of the Coroner's enquiries before registering the death. Such enquiries may take time and it is therefore always best in such cases to contact the Coroner's office before funeral arrangements are made.

WHAT WILL THE CORONER DO?

5. The Coroner may be able to ascertain that death was due to a natural cause and that there is a doctor who is able to certify the cause of death. If this is not the case the Coroner arranges to have the body removed for an examination to be made. The examination often shows that the death was due to natural causes and in such a case there is no inquest. Instead, the Coroner sends a certificate to the Registrar of Deaths so that the death can be registered. At that stage the Coroner can, if required, issue a certificate for cremation. Alternatively, after registering the death, the Registrar can issue a certificate for burial or cremation.

IF THE DEATH IS NOT DUE TO A NATURAL CAUSE?

6. The Coroner is obliged by law to hold an inquest.

IS THE INQUEST A TRIAL?

7. No. An inquest is an enquiry which is held to establish the facts. The purpose of the inquest is to ascertain the identity of the deceased, when, where and how the death occurred, and to establish the particulars which have to be registered by the Registrar of Deaths. The inquest does not attempt to allocate responsibility for the death, as a trial would do. In the few cases where an enquiry shows that the death might be due to murder, manslaughter or infanticide, the Coroner must send the papers to the Director of Public Prosecutions.

IF SOMEBODY HAS BEEN CHARGED WITH CAUSING THE DEATH?

8. Where a person has been charged with murder, manslaughter, causing death by reckless driving, complicity in another's suicide, or infanticide, the inquest is adjourned until the conclusion of the criminal proceedings. Before adjourning, the Coroner establishes the identity of the deceased and the medical cause of death and sends a form to the Registrar of Deaths to allow the death to be registered.

WHAT ABOUT OTHER COURT PROCEEDINGS?

9. Any court proceedings other than those mentioned in paragraph 8 will normally follow the inquest. When all the facts about the cause of death have been ascertained, then a person may be brought before another court, or a claim for damages made. The inquest may be of help to the family of the deceased in finding out what happened. In the case of a death due to an accident at work, etc., it can also help to avoid similar accidents in future.

IS THERE ALWAYS A JURY AT THE INQUEST?

10. Not always, but if the death may have been caused by an accident or disease of which notice has to be given to the Government (*eg* industrial accident) or if the deceased died in prison then there has to be a jury. In other cases a jury may be

summoned by a Coroner if he thinks that it would be of assistance. In all inquests held with a jury, it is the jury and not the Coroner, which returns the verdict. From 7 to 11 jurors are summoned to attend and they can give a majority verdict when no more than 2 disagree. They are paid expenses and some recompense for loss of earnings. They are not expected to view the body.

MUST A WITNESS ATTEND COURT?

11. Yes. The evidence of a witness may be vital in preventing injustice and penalties may be imposed for failure to attend. A witness may either be asked to attend the inquest or receive a formal summons to do so.

WHO DECIDES WHICH WITNESSES TO CALL?

12. The Coroner decides which witnesses should be asked or summoned to attend and the order in which they should give evidence. Anyone who can give evidence is entitled to come forward at an inquest without being summoned by the Coroner, but all the evidence must be relevant to the purpose of the inquest (see paragraph 7).

WHO CAN QUESTION A WITNESS AT THE INQUEST?

13. Any person who has a proper interest (see paragraph 14) may question a witness. He or she may be represented at the inquest by a lawyer or, if preferred, ask questions themselves. But questions must be relevant, and incriminating questions may not be asked. This is something the Coroner will decide. There are no speeches, as the inquest is an inquiry and not a trial. When a person who is a member of a trade union dies as a consequence of his or her employment, a representative of the trade union to which he or she belonged is entitled to ask questions without having to be represented by a lawyer.

WHO IS A "PROPERLY INTERESTED PERSON"?

14. (a) A parent, spouse, child and any personal representative of the deceased;

(b) any beneficiary of a policy for insurance on the life of the deceased, and any insurer having issued such a policy;

(c) any person whose act or omission on the part of himself, his servants or agents, irrespective of whether it may give rise to civil liability, may, in the opinion of the Coroner, have caused or contributed to the death of the deceased;

(d) the chief officer of police (who may only examine witnesses through a lawyer);

(e) any person appointed by a Government Department to attend the inquest;

(f) any other person appearing to the Coroner to have a proper interest.

The Coroner's office will advise you whether you have a proper interest.

CAN FUTURE DEATHS BE PREVENTED?

15. If the inquiry discloses a state of affairs which might cause further deaths from the same cause, the Coroner can draw attention to this publicly and will also bring the matter to the attention of the appropriate authority.

WILL THE INQUEST BE REPORTED IN THE PAPERS?

16. Every inquest – except those which involve national security – is held in public and the press can be present. Everything has to be in the open and it would be improper for the Coroner to try to cover up the facts. At the same time the Coroner knows that every death is a personal tragedy and tries to treat each one sympathetically, and ensures that suicide notes and personal letters are not read out unless they have to be, but although every attempt is made to avoid any upset to people's private lives, sometimes, in the interests of justice, it is unavoidable. The inquest seeks to present the truth, and can indeed often help to counter rumours or untrue stories about the death.

CAN THE FUNERAL BE HELD BEFORE THE INQUEST IS FINISHED?

17. The body can be buried, cremated or taken out of England and Wales (see paragraph 21) as soon as the Coroner is satisfied that no further tests are needed and the necessary certificates have been issued. If an inquest is held, the Coroner can give an order allowing burial or cremation of the body as soon as any necessary examination of the body has been completed. If a person is charged with an offence in connection with the death of the deceased, the Coroner gives the defence an opportunity of examining the body.

CAN A DEATH CERTIFICATE BE GIVEN BEFORE THE INQUEST IS FINISHED?

18. The death can be registered and a death certificate issued, only after the Registrar of Deaths has received the necessary form from the Coroner after the inquest, or when it has been adjourned after someone has been charged with causing the death. Where there is a difficult inquiry, the Coroner may provide a letter stating the fact of death and explaining that the death cannot be registered until the inquest has been completed. This will usually be acceptable for the payment of insurance money and administration of the estate.

IS THE CORONER CONCERNED WITH ORGAN TRANSPLANTS?

19. If the death of the donor has to be referred to the Coroner, then the Coroner must be asked to give consent to the removal of the organ, since the removal could affect some important evidence. Consent can usually be given quickly.

CAN A REPORT OF THE INQUEST BE OBTAINED?

20. A person who has a proper interest in the inquiry (see paragraph 14) may see the notes after the inquest, or may have a copy of the notes on payment of the prescribed fee.

DOES THE CORONER HAVE ANY OTHER FUNCTIONS IN RELATION TO A DEATH?

21. The Coroner must be notified in every case when a body is to be taken out of England and Wales (whether or not there has been an inquest), and 4 clear days allowed for his reply, unless his written permission is obtained sooner. There is no fee for this. When a body has been brought into England and Wales from another country without any proper examination of the cause of death, the Coroner may be able to give some help.

WHERE CAN ONE GET MORE INFORMATION ABOUT THE CORONER'S PROCEEDINGS?

22. From the local Coroner's office. This is usually listed in the telephone directory. Alternatively, the local police or the Citizens Advice Bureau will be able to tell you where the office is situated.

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THE WORK OF THE CORONER

Some questions answered



A HOME OFFICE GUIDE