

2018 No.

EXITING THE EUROPEAN UNION

INQUIRIES

CORONERS, ENGLAND AND WALES

CORONERS, NORTHERN IRELAND

**The Inquiries and Coroners (Amendment) (EU Exit)
Regulations 2018**

<i>Sift requirements satisfied</i>	***
<i>Made</i> - - - -	***
<i>Laid before Parliament</i>	***
<i>Coming into force in accordance with regulation 1</i>	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018(a) (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of that Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Inquiries and Coroners (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

(2) Any amendment of an enactment made by these Regulations has the same extent as the enactment specified.

Amendment of the Inquiries Act 2005

2. The Inquiries Act 2005(b) is amended as follows—

(a) in section 19(3)(a) (restrictions on public access etc.), for “enforceable EU obligation” substitute “retained enforceable EU obligation”;

(a) 2018 c. 16.

(b) 2005 c. 12. The relevant sections have been amended by S.I. 2011/1043. There are other amendments to the Act that are not relevant to this instrument.

- (b) in section 22(1)(b) (privileged information etc.), for “an EU obligation” substitute “a retained EU obligation”;
- (c) in section 25(4)(a) (publication of reports), for “enforceable EU obligation” substitute “retained enforceable EU obligation”, and
- (d) in section 43(1) (interpretation), after the definition of “responsible” insert—
“retained enforceable EU obligation” means an obligation (as modified from time to time) which forms part of retained EU law by virtue of section 3 and 4 of the European Union (Withdrawal) Act 2018;”.

Amendment of the Coroners and Justice Act 2009

3. In paragraph 2(1)(b) of Schedule 5 to the Coroners and Justice Act 2009(a) (powers of coroners: power to require evidence to be given or produced), for “an EU obligation” substitute “a retained EU obligation”.

Amendment of the Coroners Act (Northern Ireland) 1959

4. In section 17B(2)(b) of the Coroners Act (Northern Ireland) 1959(b) (giving or producing evidence: further provision), for “Community obligation” substitute “retained EU obligation”.

Signed by authority of the Secretary of State for Justice.

Name

Parliamentary Under Secretary of State

Date

Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular as described in paragraph (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends the Inquiries Act 2005 (c.12) (“the 2005 Act”), regulation 3 amends the Coroners and Justice Act 2009 (c.25) (“the 2009 Act”) and regulation 4 amends the Coroners Act (Northern Ireland) 1959 (c.15) (N.I.) (“the 1959 Act”). Section 19 of the 2005 Act relates to restricting public access to an inquiry’s proceedings or evidence. Under this section a restriction notice order may be made if required by an enforceable EU obligation. Section 25 of the 2005 Act is concerned with the publication of inquiry reports. Under this section material can be withheld from publication if required by an enforceable EU obligation. Both these references are replaced by a new concept (defined in section 43 of the 2005 Act) of retained enforceable EU obligation.

Section 22 of the 2005 Act relates to restrictions on production of evidence to inquiries. Paragraph 2 of Schedule 5 to the 2009 Act is concerned with the powers of a coroner in England and Wales to require the production of evidence or documents. These provisions provide (amongst other things) that a person cannot be required to take action (such as providing a document) if to do so would be incompatible with an EU obligation. Section 17B of the 1959 Act makes provision on

(a) 2009 c. 25. Paragraph 2 of Schedule 5 has been amended by S.I. 2011/1043.

(b) 1959 c. 15 (N.I.). Section 17B(2)(b) was inserted by section 49(2) and paragraph 1 of Schedule 11 to the Coroners and Justice Act 2009.

giving or producing evidence to a coroner in Northern Ireland. Section 17B(2) in particular provides (amongst other things) that a person cannot be required to give or produce any evidence or document if to do so would be incompatible with a Community obligation. Amendments made by these Regulations replaces the references to an “EU obligation” in the 2005 Act and the 2009 Act and the reference to a “Community obligation” in the 1959 Act with references to a “retained EU obligation”, which, as a result of amendments made by the European Union (Withdrawal) Act 2018, is defined by the Interpretation Act 1978.

A full impact assessment has not been published for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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