



Coroners Amendment Act 2023

Public Act 2023 No 8
Date of assent 4 April 2023
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Coroners Amendment Act 2023.

2 Commencement

This Act comes into force on the day after the date of Royal assent.

3 Principal Act

This Act amends the Coroners Act 2006.

Part 1

Amendments to principal Act

Subpart 1—Substantive amendments to principal Act

4 Section 9 amended (Interpretation)

In section 9, insert in their appropriate alphabetical order:

approved form means a form approved and issued under section 140B

associate coroner means a person appointed under section 104A

5 Section 16 amended (Responsible coroner)

Replace section 16(2) with:

- (2) However, a duty coroner may from time to time perform or exercise the functions, powers, and duties of the responsible coroner, including (without limitation) deciding not to open an inquiry into a death.

6 Section 42 amended (Release of bodies)

In section 42(3)(a), replace “the prescribed form” with “an approved form”.

7 Section 52 amended (Requests for return of retained parts and samples)

In section 52(3), replace “a form approved for the purpose by the chief coroner” with “an approved form”.

8 Section 64 amended (Duties of coroner who decides not to open inquiry)

- (1) In section 64(1), replace “the prescribed form” with “an approved form”.
- (2) Replace section 64(2) with:
 - (2) An approved form must contain or have attached to it (as the case requires)—
 - (a) the coroner’s reasons for the decision not to open an inquiry; and
 - (b) the cause of death to the extent known.
 - (2A) The coroner may record the cause of death in an approved form as presumed natural causes without investigation if the coroner is satisfied that—
 - (a) the evidence gathered to date raises a presumption that the death is from natural causes; and
 - (b) no further investigation is required to discharge the coroner’s role under this Act.
 - (2B) The coroner is not required to provide information regarding the circumstances of the death if the coroner considers there is no public interest in doing so.
- (3) In section 64(3), replace “The prescribed form” with “An approved form”.

9 Section 67 amended (Chief coroner and Secretary to be notified of inquiry)

In section 67, replace “the prescribed form” with “an approved form”.

10 Section 77 replaced (Coroner may hold hearing on papers and make chambers findings)

Replace section 77 with:

77 Coroner may hold hearing on papers and make chambers findings

- (1) A coroner may, instead of holding an inquest, hold a hearing on the papers and make chambers findings if the coroner—
 - (a) notifies interested parties of the coroner’s intention to hold a hearing on the papers and make chambers findings instead of holding an inquest; and
 - (b) allows a reasonable period for interested parties to make their views known to the coroner on whether—
 - (i) an inquest should be held; or
 - (ii) a hearing should proceed on the papers; and
 - (c) considers those views, among other relevant factors and information; and

- (d) is satisfied that an inquest is not required for the discharge of the coroner's role under this Act.
- (2) This section does not apply to an associate coroner.

11 New section 77A inserted (Associate coroner holds hearing on papers or refers death to chief coroner)

After section 77, insert:

77A Associate coroner holds hearing on papers or refers death to chief coroner

- (1) An associate coroner may hold a hearing on the papers and make chambers findings if—
 - (a) the associate coroner considers an inquest may not be required, having considered the matters in section 80(2); and
 - (b) the associate coroner notifies interested parties of the associate coroner's intention to hold a hearing on the papers and make chambers findings rather than refer the death to the chief coroner; and
 - (c) the associate coroner allows a reasonable period for interested parties to make their views known to the associate coroner on whether—
 - (i) an inquest should be held; or
 - (ii) a hearing should proceed on the papers; and
 - (d) no interested party expresses the view that an inquest should be held.
- (2) If an interested party expresses the view that an inquest should be held, or the associate coroner considers an inquest may be required,—
 - (a) the associate coroner must refer the death to the chief coroner; and
 - (b) the chief coroner must assign the death to a coroner (but not to an associate coroner).
- (3) The coroner who is assigned the death must decide whether to hold an inquest or a hearing on the papers.
- (4) If interested parties have been consulted, the coroner who is assigned the death—
 - (a) must consider the views (if any) expressed by the parties, among other relevant factors and information; and
 - (b) is not required to reconsult interested parties if the coroner decides to proceed by way of a hearing on the papers and make chambers findings.

12 Section 91 amended (Evidence at distance for purposes of inquest)

- (1) In section 91(2), replace “a Justice” with “an associate coroner or a Justice”.
- (2) In section 91(3), replace “A coroner or Justice” with “A coroner, an associate coroner, or a Justice”.
- (3) Replace section 91(5) with:

- (5) Evidence given by a witness under subsection (2) and admitted by a coroner, an associate coroner, or a Justice must be—
 - (a) put into writing; and
 - (b) read over to or by the witness; and
 - (c) signed by the witness and the coroner, associate coroner, or Justice.
- (6) The coroner, associate coroner, or Justice must then send the evidence to the coroner holding the inquest concerned.
- (7) The coroner holding the inquest must receive the evidence and act upon it as if it had been given and admitted at the inquest concerned.

13 Section 93 amended (Certificate of and written reasons for interim findings)

- (1) After section 93(1), insert:
 - (1A) Another coroner may complete and sign the certificate if the coroner conducting the inquiry is not available.
- (2) In section 93(2), replace “the prescribed form” with “an approved form”.

14 Section 94 amended (Certificate of and written reasons for findings)

- (1) After section 94(1), insert:
 - (1A) Despite section 57(2)(e), the coroner is not required to make findings in relation to the circumstances of the death concerned if the coroner considers there is no public interest in doing so.
- (2) In section 94(2), replace “the prescribed form” with “an approved form”.
- (3) In section 94(3), replace “the coroner” with “a coroner”.

15 New sections 104A and 104B inserted

After section 104, insert:

104A Associate coroners

- (1) The Governor-General may, by warrant, appoint fit and proper people to be associate coroners.
- (2) Each one of those people must have held a practising certificate as a barrister or solicitor for at least 5 years.
- (3) The appointment must be for a period not exceeding 5 years, but the person is eligible to be reappointed for 1 or more further terms.
- (4) The appointment must be made on the advice of the Attorney-General, given after consultation with the Minister.
- (5) An associate coroner vacates that office, if they have not earlier done so in another way, on attaining the age of 70 years.

- (6) However, a former associate coroner of or over the age of 70 years may be reappointed as an associate coroner for 1 term that—
 - (a) is specified in the warrant of reappointment; and
 - (b) does not exceed 2 years.

104B Coroners, relief coroners, and associate coroners may continue in office to complete investigations

- (1) A coroner, a relief coroner, or an associate coroner who has retired or whose term of office has expired may continue in office for the purpose of completing any investigations already commenced before their retirement or the expiry of their term.
- (2) A coroner, a relief coroner, or an associate coroner must not continue in office under subsection (1) for longer than 3 months without the consent of the Attorney-General.
- (3) The fact that a coroner, a relief coroner, or an associate coroner continues in office does not affect the power to appoint another person to the office.
- (4) A coroner, a relief coroner, or an associate coroner who continues in office is entitled to be paid the appropriate rate for the days or half-days worked in completing the investigation.
- (5) The **appropriate rate** is the rate of the remuneration and allowances to which the coroner, the relief coroner, or the associate coroner would have been entitled for those days or half-days if the coroner, the relief coroner, or the associate coroner had not retired or their term of office had not expired.

16 Section 106A amended (Attorney-General to publish information concerning coronial appointment process)

- (1) In section 106A(a), after “coroners”, insert “and associate coroners”.
- (2) In section 106A(b), after “coroner”, insert “or an associate coroner”.
- (3) In section 106A, insert as subsection (2):
 - (2) The processes under subsection (1) may be different for coroners and associate coroners.

17 Section 107 amended (Concurrent office or employment)

- (1) In section 107(1)(a) and (b), after “coroner”, insert “or an associate coroner”.
- (2) In section 107(2), after “other coroners”, insert “and associate coroners”.
- (3) After section 107(3), insert:
 - (4) An associate coroner may hold another judicial office but must not undertake any other paid employment or hold any non-judicial office (whether paid or not) unless that employment or office is of a type specified in the protocol as being compatible with being an associate coroner.

18 Section 107A amended (Recusal)

In section 107A, after “coroners”, insert “and associate coroners”.

19 Section 108 amended (Coroners act full-time unless authorised to act part-time)

- (1) In the heading to section 108, after “Coroners”, insert “and associate coroners”.
- (2) After section 108(1), insert:
 - (1A) An associate coroner acts as an associate coroner full-time unless they are authorised by the Attorney-General to act part-time.
 - (3) Replace section 108(2) and (3) with:
 - (2) The Attorney-General may, in accordance with subsection (4), authorise the following people to act part-time for any specified period:
 - (a) a coroner appointed under section 103 (coroners) or section 104 (relief coroners):
 - (b) an associate coroner.
 - (3) To avoid doubt, an authorisation under subsection (2) may—
 - (a) take effect as from the appointment of the coroner or the associate coroner or at any other time; and
 - (b) be given more than once in respect of the same coroner or associate coroner.
- (4) In section 108(4), after “authorise a coroner”, insert “or an associate coroner”.
- (5) In section 108(4)(a), replace “the coroner” with “the coroner or the associate coroner”.
- (6) In section 108(6), replace “A coroner” with “A coroner or an associate coroner”.
- (7) Replace section 108(7) with:
 - (7) The basis on which a coroner or an associate coroner acts must not be altered during the term of their appointment without their consent, but consent under this subsection is not necessary if the alteration is required by subsection (6).

20 Section 110 amended (Salaries and allowances)

- (1) In section 110(1), replace “coroners (including the chief coroner, the deputy chief coroner, and any relief coroners)” with “coroners (including the chief coroner, the deputy chief coroner, and any relief coroners) and associate coroners”.
- (2) Replace section 110(2) with:
 - (2) The salary of a coroner or an associate coroner must not be diminished during the continuance of their appointment.

- (3) In section 110(3), after “a coroner”, insert “or an associate coroner”.

21 Section 112 amended (Resignation)

After section 112(2), insert:

- (3) An associate coroner may at any time resign the office by written notice to the Attorney-General.

22 Section 113 amended (Complaints about coroners)

- (1) In the heading to section 113, delete “**about coroners**”.
- (2) In section 113(1),—
- (a) replace “coroners’ conduct” with “the conduct of coroners and associate coroners”; and
 - (b) replace “because coroners” with “because coroners and associate coroners”.

23 Section 114 amended (Removal)

- (1) In section 114(1), after “coroner”, insert “or an associate coroner”.
- (2) In section 114(2)(a), after “coroner”, insert “or the associate coroner”.
- (3) In section 114(2)(b), after “coroner”, insert “or the associate coroner” in each place.

24 New section 117A inserted (Functions, powers, duties, and immunities of associate coroners)

After section 117, insert:

117A Functions, powers, duties, and immunities of associate coroners

- (1) Except as set out in subsections (2) to (4), another provision of this Act, or in rules made under section 140A,—
- (a) an associate coroner has the functions, powers, and duties of a coroner appointed under section 103; and
 - (b) an associate coroner has the immunities of a coroner under section 117; and
 - (c) references in this Act to a coroner, designated coroner, duty coroner, replacement coroner, or responsible coroner must be read, with the necessary modifications, as including an associate coroner.
- (2) An associate coroner does not have the functions, powers, or duties of a coroner to hold an inquest.
- (3) References in this Act or other legislation to a coroner holding an inquest do not include an associate coroner (*but see* section 91(2) to (7) if an associate coroner is authorised by a coroner to take evidence at a distance).
- (4) Subsection (1)(c) does not apply to sections 103 to 114.

25 Section 132 replaced (Chief coroner may issue practice notes)

Replace section 132 with:

132 Chief coroner may issue practice notes

- (1) To help inform, and to achieve consistency in, coronial decision making and other coronial conduct, the chief coroner may issue to coroners and associate coroners written practice notes (not inconsistent with this Act).
- (2) Practice notes under this section may specify matters—
 - (a) to which coroners and associate coroners must have regard when—
 - (i) making recommendations or comments (*see* section 57A):
 - (ii) calling for investigations or examinations, or commissioning reports (*see* section 118(2)):
 - (iii) determining the format of their written findings:
 - (iv) co-ordinating with other investigating authorities, official bodies, and statutory officers who investigate deaths:
 - (b) to which coroners must have regard when—
 - (i) recommending to the chief coroner that a specialist adviser be appointed to sit with and help the coroner at an inquest (*see* section 83(2)):
 - (ii) holding joint inquests (*see* section 84(3)):
 - (iii) managing the disclosure of evidence to witnesses appearing at a hearing:
 - (iv) determining whether to hold a pre-hearing:
 - (v) determining whether a person is appropriately regarded as an expert in a particular area.
- (3) Subsection (2) does not limit subsection (1).
- (4) Before issuing a practice note (or an amendment, revocation, or replacement of a practice note) under this section, the chief coroner must take all reasonable steps to consult coroners and associate coroners about the terms and effect of that practice note (or of that amendment, revocation, or replacement of a practice note).
- (5) The chief coroner must regularly review any practice notes issued under this section.

26 Section 134 amended (Failure to supply information or documents or other things as required by coroner's notice under section 120)

- (1) In the heading to section 134, delete “**coroner’s**”.
- (2) In section 134, delete “(coroner may by written notice require person to supply information or documents or other things)”.

27 Section 135 amended (False or misleading statements and omissions in certain documents)

- (1) In section 135(2)(c), delete “by a coroner”.
- (2) In section 135(2)(d), delete “(coroner may by written notice require person to supply information or documents or other things)”.

28 Section 137 amended (Failure or refusal to give report required)

- (1) In section 137, delete “to a coroner”.
- (2) In section 137(a), delete “(coroner may direct post-mortem)”.
- (3) In section 137(b), delete “(coroner may require person’s doctor to report)”.

29 Section 138 amended (False or misleading statement for purposes of section 64(3))

In section 138, delete “(duties of coroner who decides not to open inquiry)”.

30 Section 139A amended (Publication of information in contravention of section 74)

In section 139A(1), delete “(which empowers the coroner to prohibit the making public of evidence given at any part of inquiry proceedings)”.

31 New sections 140A and 140B inserted

After section 140, insert:

140A Rules

- (1) The Governor-General may, with the concurrence of the chief coroner, make rules that—
 - (a) provide for any conditions or limitations on the exercise or performance of a coroner’s functions, powers, and duties by associate coroners:
 - (b) contain provisions that may be necessary to enable the proper exercise or performance by associate coroners of their functions, powers, and duties.
- (2) Rules made under this section are subject to section 117A(2) and (3).
- (3) Rules made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

140B Secretary may approve forms

- (1) The Secretary may approve and issue forms for the purposes of this Act.
- (2) The Secretary must have the agreement of the chief coroner before approving and issuing forms.

Subpart 2—Transitional amendments to principal Act

32 New section 11A inserted (Transitional, savings, and related provisions)

After section 11, insert:

11A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

33 Section 12A repealed (Transitional and savings provisions relating to amendments to this Act)

Repeal section 12A.

34 Section 143A amended (Transitional and savings provisions: arrangements effective after commencement of Coroners Amendment Act 2016 are in Schedule 1)

- (1) In the heading to section 143A, replace “Schedule 1” with “Part 1 of Schedule 1”.
- (2) In section 143A, replace “Schedule 1” with “Part 1 of Schedule 1”.

35 Schedule 1 amended

- (1) Replace the Schedule 1 heading with:

Schedule 1
Transitional, savings, and related provisions

ss 11A, 143A

- (2) In Schedule 1, before clause 1, insert:

Part 1
Transitional and savings provisions effective after commencement of
Coroners Amendment Act 2016

- (3) In Schedule 1,—
 - (a) insert the Part set out in Schedule 1 of this Act as the last Part; and
 - (b) make all necessary consequential amendments.

Part 2
Consequential amendments to other legislation

36 Consequential amendments

Amend the legislation specified in Schedule 2 as set out in that schedule.

Schedule 1
New Part 2 inserted into Schedule 1

s 35(3)

Part 2
Provisions relating to Coroners Amendment Act 2023

6 Interpretation for this Part

In this Part, **commencement date** means the date on which this Part comes into force.

7 Continuation of section 77 if coroner has given notice before commencement date

Section 77 (as it read before the commencement date) continues to apply as if the Coroners Amendment Act 2023 had not been enacted if—

- (a) a coroner gives notice under section 77(1)(a) before the commencement date; and
- (b) the coroner receives a notification of the kind referred to in section 77(1)(b)—
 - (i) before, on, or after the commencement date; but
 - (ii) within the notification period stated in the notice.

Schedule 2

Consequential amendments to other legislation

s 36

Part 1

Amendments to Acts

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57)

After section 42(5), insert:

- (6) For the purposes of this section,—
- associate coroner** means a person who holds office as an associate coroner under the Coroners Act 2006
- coroner** includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006.

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16)

In section 2, insert in their appropriate alphabetical order:

- associate coroner** means a person who holds office as an associate coroner under the Coroners Act 2006
- coroner** includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Burial and Cremation Act 1964 (1964 No 75)

In section 2(1), insert in their appropriate alphabetical order:

- associate coroner** means a person who holds office as an associate coroner under the Coroners Act 2006
- coroner** includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Crimes Act 1961 (1961 No 43)

In section 99, definition of **judicial officer**, after “Coroner,” insert “associate coroner,”.

Films, Videos, and Publications Classification Act 1993 (1993 No 94)

In section 131(4)(j), after “Coroner,” insert “associate coroner,”.

Friendly Societies and Credit Unions Act 1982 (1982 No 118)

In section 45(2), replace “a coroner” with “a coroner or an associate coroner”.

Health and Disability Services (Safety) Act 2001 (2001 No 93)

After section 31(5), insert:

- (6) For the purposes of subsection (5)(c), a coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006.

Health and Safety at Work Act 2015 (2015 No 70)

In section 16, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Human Tissue Act 2008 (2008 No 28)

In section 6, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Inferior Courts Procedure Act 1909 (1909 No 13)

In section 2, insert as subsection (2):

- (2) For the purposes of this section,—

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

Coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006.

Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004 (2004 No 38)

In section 5, insert in its appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

In section 5, definition of **Head of Bench**, replace paragraph (i) with:

- (i) in relation to a coroner or an associate coroner, the chief coroner

In section 5, definition of **Judge**, replace paragraph (a)(ix) with:

- (ix) a coroner or an associate coroner; and

Medicines Act 1981 (1981 No 118)

In section 2(1), insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

Coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Misuse of Drugs Act 1975 (1975 No 116)

In section 2(1), insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

New Zealand Sign Language Act 2006 (2006 No 18)

In section 4, definition of **legal proceedings**, paragraph (b), replace “any coroner” with “any coroner or associate coroner”.

Oaths and Declarations Act 1957 (1957 No 88)

In Schedule 2, after the item relating to “Coroners”, insert:

Associate coroners

Remuneration Authority Act 1977 (1977 No 110)

After section 12B(1)(f), insert:

(g) associate coroners appointed under section 104A of the Coroners Act 2006.

Te Ture mō Te Reo Māori 2016/Māori Language Act 2016 (2016 No 17)

In section 7(7), definition of **legal proceedings**, paragraph (b), replace “a coroner” with “a coroner or an associate coroner”.

Transport Accident Investigation Commission Act 1990 (1990 No 99)

In section 14A, definition of **proceedings**, paragraph (b), replace “any coroner” with “any coroner or associate coroner”.

In section 14N(a), replace “a coroner’s inquiry” with “a coroner’s inquiry or an associate coroner’s inquiry”.

Water Services Act 2021 (2021 No 36)

In section 5, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

Water Services Act 2021 (2021 No 36)—continued

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Visiting Forces Act 2004 (2004 No 59)

In section 4(1), insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Part 2**Amendments to secondary legislation****Coroners (Forms) Regulations 2008 (SR 2008/416)**

Revoke regulations 4 to 8.

In the Schedule, revoke forms 1 to 5.

Cremation Regulations 1973 (SR 1973/154)

In section 2, insert in its appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

In section 2, replace the definition of **coroner** with:

coroner includes—

- (a) the chief coroner, an acting chief coroner, a deputy chief coroner, or a relief coroner under the Coroners Act 2006; or
- (b) an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Health (Burial) Regulations 1946 (SR 1946/132)

In section 3, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

National Civil Defence Emergency Management Plan Order 2015 (LI 2015/140)

In the Schedule, clause 2(1), insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

National Civil Defence Emergency Management Plan Order 2015 (LI 2015/140)
—*continued*

coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Traffic Regulations 1976 (SR 1976/227)

In section 2, insert in their appropriate alphabetical order:

associate coroner means a person who holds office as an associate coroner under the Coroners Act 2006

Coroner includes an associate coroner to the extent that they have the jurisdiction of a coroner under the Coroners Act 2006

Legislative history

24 August 2022	Introduction (Bill 157–1)
30 August 2022	First reading and referral to Justice Committee
15 December 2022	Reported from Justice Committee (Bill 157–2)
28 March 2023	Second reading, committee of the whole House, third reading
4 April 2023	Royal assent

This Act is administered by the Ministry of Justice.