

Coronavirus bill - information for inquests

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Please note: the information contained in our legal updates are correct as of the original date of publication

The government has now published the Coronavirus Bill, which aims to provide public bodies with sufficient powers to combat the spread of COVID-19.

One of the provisions of the new Bill aims to relieve the anticipated increased strain on the system for the registration of deaths to ensure that public health is protected, whilst ensuring that a proper framework is still in place. The new legislation is subject to a time-limit of 2 years and provides flexibility in allowing the government to use the new powers where necessary and also “switch off” any powers which are not needed. The main changes are as follows:

- A coroner will no longer need to be notified of a death which would previously have been reportable unless a doctor believes that there is no medical practitioner available to sign the death certificate within a reasonable time.
- Additional parties, such as funeral directors acting on behalf of the family of the deceased, will now be able to register a death.
- There will no longer be a need for inquests into a death caused by coronavirus to be held with a jury. Currently, section 7 of the Coroners and Justice Act 2009 requires a jury where the death was caused by a notifiable disease, but COVID-19 will now be excluded from this requirement.
- Any relative of the deceased will be permitted to complete a cremation application form, disregarding the present hierarchy set out under section 65 of the Burial and Cremation (Scotland) Act 2016. It will also no longer be necessary for a second medical certificate to be provided as confirmation in order for a cremation to take place.
- A medical certificate of cause of death can be signed by a doctor who was not the attending clinician in the final illness provided the practitioner who attended cannot (or it is impractical) do so and they can reasonably state the cause of death. They can even do so where they have not been attended on by a practitioner in the last illness, so long as they can state to the best of their knowledge and belief the cause of death.

The Chief Coroner has also produced guidance to Coroners concerning the management of inquest hearings. Although no blanket decision has been made on cancelling inquests, and it is still up to the local Coroner, there is an emphasis on using remote access hearings where possible and also a recognition that front-line NHS staff may not be able to participate as their services will be required elsewhere.

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