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**An Comhchoiste um Dhlí
agus Ceart**
Teach Laighean
Baile Átha Cliath 2

**Joint Committee on
Justice**
Leinster House
Dublin 2

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33/JC/43

Ms Helen McEntee T.D.,
Minister for Justice,
51 St. Stephen's Green,
Dublin 2,
D02 HK52.

By e-mail to: EXMcHugh@justice.ie

Our Ref: JC4/5/ZD

RE: General Scheme of the Coroners (Amendment) Bill 2023

Dear Minister,

I am writing to you in relation to the General Scheme of *the Coroners (Amendment) Bill 2023* which was referred to the Committee for Pre-Legislative Scrutiny (PLS).

The Committee agreed to commence PLS by requesting an oral briefing from Departmental Officials on this matter.

On Wednesday 8th November 2023, the Committee received a briefing from your officials which provided an opportunity for members to clarify a number of matters as part of this process.

The Committee was also provided with a written briefing from your Departmental officials (see Appendix 1).

The Committee agreed, at its meeting on Wednesday 8th November 2023, that it has now concluded PLS on this General Scheme and looks forward to further engagement and debate on this Bill in the course of its consideration and passage through both Houses.

Yours sincerely,

Alan Farrell TD
Cathaoirleach Sealadach
8th November 2023

Cuirfear fáilte roimh chomhfhreagras i nGaeilge

APPENDIX 1

Briefing Note

General Scheme of Coroners (Amendment Bill) 2023

Joint Committee on Justice

The Coroners (Amendment) Bill will ensure that an appropriate number of coroners can be recruited to operate in the Dublin District, and, ensure that additional temporary coroners can be appointed to the Dublin District and other districts, if required.

The Coroners Amendment Bill 2023 is a necessary interim legislative amendment pending a broader review of the Coroners Act 1962 as amended. A public consultation process was launched by Minister McEntee on 20 October and Department officials are actively engaged in a wide ranging exercise to gather views, opinions and proposals in regard to how the Coroners service should be reformed in the future. The Joint Committee on Justice 'Report on an Examination of the Operation of the Coroner's Service' is timely, pertinent and a very helpful support in this regard.

The General Scheme of this Bill is particularly urgent as Head 3 proposes to extend the temporary appointment of coroners for the Dublin District. The urgency stems from the fact that the legislative provision which provides for the appointment of temporary Coroners for the Dublin District; namely section 11B of the Coroners Act 1962 as amended, introduced as a Covid measure by section 7 of the Civil and Criminal Law (Miscellaneous Provisions Act 2020), is due to expire in February 2024 for temporary Coroners in the Dublin district. There are currently 4 Coroners in the Dublin district. The Senior Coroner for the district is currently hearing the Stardust Inquests.

In the absence of amending legislation, the expiry of section 11B of the Coroners Act 1962 would result in only one coroner and one Deputy Coroner for the Dublin District after February 2024. This would have the effect of slowing down the work of the Dublin Coroner's office which would inevitably have a negative impact on bereaved family members.

The other amendments proposed by the General Scheme should result in greater security of tenure for Coroners in the Dublin District. The amendments will also ensure great transparency in relation to fees and expenses paid to coroners, including those by members of the public, which in future will be prescribed by Ministerial regulation. Further details of the Bill are set out in the appendix below.

Appendix 1: Main Provisions of the Bill

The Coroners (Amendment) Bill will be a short standalone Bill with 7 heads.

Head 1 of the Bill will be a definition section.

Head 2 of the Bill will amend the Principal Act by inserting new Sections 6B, 6D, and 6E in the Act to provide for appointment of coroners to the Dublin District. The changes introduced in Head 2 will;

- provide for new terms and conditions applicable to the appointments under the head,
- disapply the tenure-for-life provisions, hitherto applicable to incumbent coroners under section 11 of the Principal Act, to new appointees to the Dublin District,
- provide for fixed-term appointments of coroners to the Dublin District, with such appointments being renewable at the discretion of the Minister and with the consent of the Minister for Public Expenditure, NDP Delivery and Reform,
- establish that a coroner for the Dublin District will be a civil servant of the State for pay and superannuation purposes only,
- provide for the cessation of certain appointments to the District and the removal from office in certain circumstances

Head 3 of the Bill will introduce a new section 11C in the Coroners Act 1962 to allow the Minister to appoint temporary Coroners to a Coroner's district, where in his or her opinion there are excessive workloads in the relevant district. Any appointments under the section will be for a 12-month period and may be renewed for a further 12-month period, in certain specified circumstances. The proposed provisions will apply both to the Dublin District and other coroner districts.

Head 4 of the Bill will replace the existing section 15 of the Principal Act. It will stipulate that under certain defined circumstances, an appointment to the office of coroner will cease. It will further prescribe the circumstances under which a Coroner may be removed from office, and, the procedures applicable to any such removal from office. Head 4 will apply to the Dublin district and other coroner districts.

Head 5 of the Bill will allow the Minister to introduce regulations in relation to Coroners' fees and expenses, including fees paid by the public.

Head 6 of the Bill will repeal certain subsections of section 6A of the Principal Act which will become redundant in light of the legislative changes to be introduced in the Bill.

Head 7 of the Bill provides for the short title, collective citation and commencement of the Act.

8 November 2023

Cuirfear fáilte roimh chomhfhreagras i nGaeilge