

SL(6)479 – The Medical Examiners (Wales) Regulations 2024

Background and Purpose

These Regulations make provision in respect of medical examiners appointed by a Welsh NHS body to discharge the functions conferred on medical examiners by or under Chapter 2 of Part 1 of the Coroners and Justice Act 2009 (“the Act”). Those functions include functions relating to the medical certification of the cause of deaths which are required to be registered under Part 2 of the Births and Deaths Registration Act 1953.

Regulation 3 sets out provisions about mandatory terms to be included in the terms of appointment of medical examiners and about termination of appointment, and permits the inclusion of such other terms as may be agreed between the appointing body and medical examiner (as defined in regulation 2 of these Regulations).

Regulation 4 makes provision permitting an appointing body to pay remuneration, expenses, fees, compensation for termination of appointment, pensions, allowances or gratuities to medical examiners.

Regulation 5 makes provision in relation to the training to be undertaken by medical examiners.

Regulation 6 requires medical examiners to follow certain steps where, in relation to a death which is required to be registered, the medical examiner is insufficiently independent within the meaning of that regulation, because of a connection the medical examiner had with the deceased person, the relevant attending practitioner or any other relevant medical practitioner at the time of the death. These steps include declining to exercise functions in relation to a death and notifying their appointing body.

Regulation 7 confers functions on medical examiners which are in addition to their functions relating to the medical certificate of cause of death under regulations made under section 20(1) of the Act.

Regulation 8 provides that the supply of any information under these Regulations does not breach any obligation of confidence. It also provides that these Regulations do not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd



is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd;

We note that these Regulations form part of the wider reform of the death certification process. In particular, we note the following paragraphs in the Explanatory Memorandum:

“4.1 These Regulations form part of the wider reform of the death certification process. The reforms change the way in which deaths are scrutinised and certified in England and Wales with the introduction of a statutory medical examiners system. This was announced by the UK Government’s Parliamentary Under Secretary of State, Maria Caulfield, in a written ministerial statement on 27 April 2023 [HCWS750](#).

4.2 Medical examiner scrutiny of a death in England and Wales has been operating on a non-statutory basis since 2019. This instrument puts the role of the medical examiner on a statutory basis and means that there will now be an independent review of all deaths in England and Wales.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

24 April 2024

